

# L A W S

OF HIS MAJESTY

KAMEHAMEHA III.,

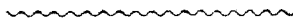
KING OF THE HAWAIIAN ISLANDS,

PASSED BY THE

NOBLES AND REPRESENTATIVES

AT THEIR SESSION,

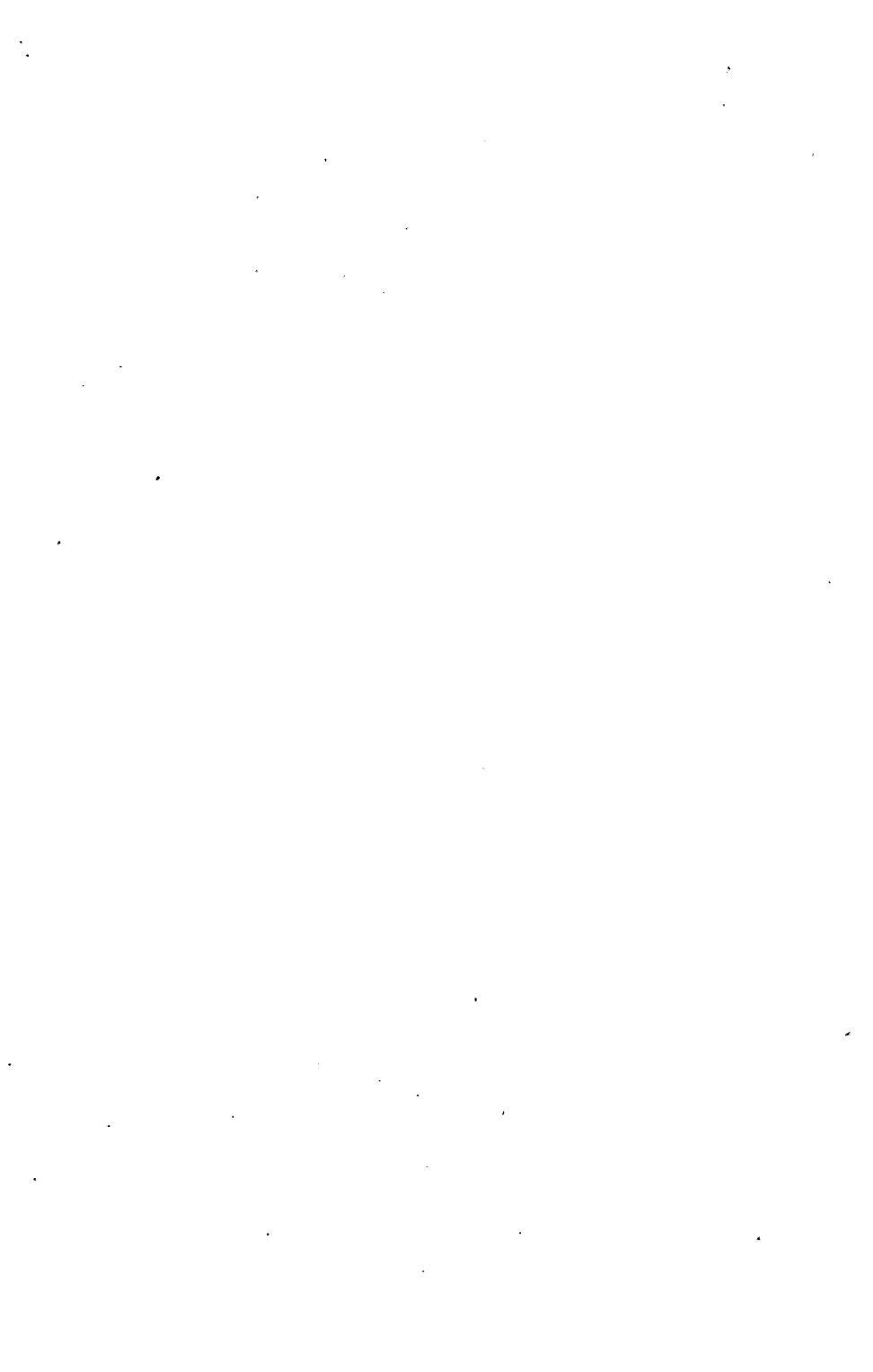
1851.



HONOLULU:

PRINTED BY ORDER OF THE GOVERNMENT.

1851.



# SESSION LAWS.

1851.

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## AN ACT

PERMITTING FOREIGN SEAMEN TO BE DISCHARGED UPON GIVING BONDS IN  
THEIR OWN NAMES.

BE IT ENACTED by the King, the Premier and Nobles resident near  
His Majesty :

SECTION 1. That the bond required by the seventh section of the  
third article of the first chapter of part three, of the second act  
of Kamehameha III., entitled "An Act to organize the Executive  
Departments," be and is hereby altered to read as follows :

Know all men by these presents that I, — — —, a seaman be-  
longing to the — — — of which — — — is master, which vessel is  
now at anchor in the harbor of — — —, Hawaiian Islands, am held and  
firmly bound to His Excellency, — — —, Governor of — — — and  
his successors in office, and assigns, in the penal sum of one hundred  
dollars, for the payment of which I bind myself, my heirs, executors,  
and administrators, firmly by these presents.

Sealed with my seal, and dated at — — — this — — — day of — — — 18 —

The condition of this obligation is, that whereas I am about to be  
discharged from the above named vessel : Now if at or before the  
expiration of sixty days from this date, I shall leave the jurisdiction  
of this kingdom ; and until the day of my departure not be guilty of  
any breach of the laws, that this obligation shall be void ; otherwise,  
to remain in full force.

Given under my hand and seal the day and year above written.

L. S.

SECTION 2. This Act shall take effect from the day of its publica-

tion in the Polynesian Newspaper, and remain in force until the next meeting of the Legislature, when it shall be at the option of the Nobles and Representatives to confirm or annul it.

Done at the Palace at Honolulu, this 26th day of September, A. D., 1850.

KAMEHAMEHA.

KEONI ANA.

Confirmed by the Legislature on the 8th day of May, 1851.

WM. L. LEE,

Speaker of the House of Representatives.

KAMEHAMEHA.

KEONI ANA.

## AN ACT

TO ORGANIZE A FIRE DEPARTMENT FOR THE CITY OF HONOLULU.

Whereas public necessity demands that a new Law shall be passed for the protection of the residents of Honolulu from the calamities of a conflagration,

BE IT ENACTED *by the Houses of Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

ARTICLE I.—OF THE ORGANIZATION OF THE FIRE DEPARTMENT OF HONOLULU.

SECTION 1. The Fire Department of the City of Honolulu, shall consist of a Chief Engineer, four fire wardens, and so many fireman as may be approved by the Chief Engineer, and who shall be respectively designated by the several appellations aforesaid.

SECTION 2. The Chief Engineer shall be appointed by the Governor of Oahu upon the recommendation of not less than twenty residents of Honolulu, each of whom shall hold lease-hold estates, or estates in fee simple, situated in Honolulu, the annual value of which shall be not less than one hundred dollars.

SECTION 3. The four fire wardens shall be appointed by the Chief Engineer, with the approbation of the Governor of Oahu, upon the recommendation of not less than twenty fire-men.

SECTION 4. The terms of office of the Chief Engineer, and fire wardens shall be not less than one year, or until others are appointed in their place.

ARTICLE II.—OF THE DUTIES OF THE CHIEF ENGINEER.

SECTION 1. The chief engineer shall, in all cases of fire, have the sole and absolute control and command over all the members of the fire department, and it shall be the duty of the

said chief engineer to direct the fire wardens to take proper measures that the several fire engines in the possession of the fire department be located in the most advantageous situations, and be duly worked for the effectual extinguishing of fires ; and moreover it shall be the duty of the said chief engineer, to grant the custody and use of the fire engines, fire buckets and other fire apparatus belonging to the Government to such firemen as he may deem proper, and assume the control of them at his pleasure, and as often as once in three months examine into the condition of the fire engines, fire buckets and other fire apparatus, and fire engine houses belonging to the Government, and report the condition of the same to the Governor of Oahu, together with the names of all of the persons in the Fire Department, and when any of the said fire engines and other apparatus shall require to be repaired, the Chief Engineer of the Fire Department at the request of the firemen having the same in charge, through their officers, shall cause the same to be well and sufficiently repaired, provided such expense shall not exceed one hundred dollars.

SECTION 2. In case the chief engineer should be absent from a fire, one of the fire wardens, first arriving at a fire shall act as chief engineer, until the arrival of that officer.

#### ARTICLE III.—OF THE DUTIES OF FIRE WARDENS.

SECTION 1. The fire wardens shall attend at all fires, and be subject to the direction of the chief engineer or of the fire warden acting as chief engineer in his absence, and it shall be their duty immediately on an alarm of fire to repair to the place where it may be, and assist in procuring supplies of water to the fire engines, and prevent the hose of the engine from being trodden on, and to keep all idle persons at a proper distance from the fire and from its vicinity, and to order and direct all persons near to or about the fire, to aid and assist in extinguishing the fire as they may think best : provided it is not contrary to the orders of the Chief Engineer, and all residents of Honolulu are hereby enjoined to comply with the orders and directions of the Chief Engineer and the fire wardens at fires under the penalties hereinafter provided.

SECTION 2. The said fire wardens shall divide the city of Honolulu

into four districts, and report their boundaries to the chief engineer, and shall appoint one of their number to each district for the purpose of making the visitations and examinations directed in the next section, who shall keep a record of the names of the occupants of the houses or other buildings where they shall observe any violations of this law, and cause them to be prosecuted for the penalty fixed for the violation they may have been guilty of.

SECTION 3. It shall be the duty of the said fire wardens, twice in every year, and as much oftener as they may think proper, to examine the dwelling houses and other buildings in their respective districts for the purpose of ascertaining any violations of this law, and also to examine the fire-places, hearths, chimnies, stoves and stove pipes in their respective districts, and upon finding any of them defective or dangerous, they or either of them shall direct the owner or occupants, by written notice, to alter, remove or amend the same, and in case of neglect or refusal so to do, the party offending shall forfeit and pay twenty-five dollars for the benefit of the Fire Department, and for every day after the time allotted as aforesaid, the party so offending shall forfeit and pay the further sum of ten dollars and all the expenses of any removal, alteration or amendment as aforesaid shall be paid by the occupant. And it shall be the duty of the said fire wardens or either of them, at such times as aforesaid, to enter into and examine any place where gunpowder or other combustible materials are stored or kept, and give such directions in writing, in regard to their location or removal, or manner of sale, as may be deemed necessary by them or him, to guard and protect the property of the residents of Honolulu, and in case of neglect or refusal on the part of the possessor of such combustible material or any of them, to remove or secure the same within the time and in the manner directed by the said fire wardens, or either of them, the party offending shall forfeit and pay one hundred dollars, for the benefit of the Fire Department, and the further sum of fifty dollars for every day's neglect, to remove or secure the same, after being so notified.

SECTION 4.—It shall be the duty of fire wardens after a fire has been extinguished to collect together all of the fire buckets used at the fire, and deliver the same to their respective owners, upon request.

## ARTICLE IV.—OF FIREMEN AND THEIR DUTIES.

SECTION 1. The firemen shall be divided into companies to consist of such number as shall from time to time be fixed by the Bye Laws of the several companies, to attend to the fire engines and appurtenances, and the hooks, ladders and carriages that may be in the custody of the Chief Engineers, and each of the companies shall and may choose out of their own number a Foreman, Assistant Foreman, Secretary and Treasurer, in such manner and at such times as they may think proper, and it shall be the duty of the said fireman as often as any fire shall break out in the city, to put on such badge of office as his company shall direct, and repair immediately upon the alarm thereof, to their respective engines, hose carriages, and hooks and ladders, and convey them to or near the place where such fire shall happen, unless otherwise directed by the chief engineer, then in conformity with the directions given by the chief engineer, to work and manage the said engines and other fire implements with all their skill and power, and when the fire is extinguished, they shall not remove therefrom, but by the permission of an Engineer, and on such permission they shall return their respective hose wagons, hooks and ladders, engines and fire apparatus well washed and cleaned to their respective places of deposit; and for the more effectual perfecting the firemen in their duty of keeping and preserving the said fire engines and other implements from decay, the said firemen shall once in every month draw out their fire engines and other implements in order to wash and cleanse the same, and to exercise the firemen; and if any fireman shall neglect the said duty, he shall forfeit and pay such penalty as the majority of his company shall direct. And if he shall neglect to attend at any fire as aforesaid or leave his fire engine or other apparatus while at any fire without permission, or shall neglect to do his duty on such occasions without reasonable excuse, he shall, for every such default, pay such penalty as the majority of his company shall fix, and if any fireman neglect the duty imposed upon him, or to pay the penalty fixed, upon the vote of a majority of his company he may be dismissed as a fireman.

SECTION 2. The Chief Engineer shall have authority, whenever a Fire Company has, for six months, less members than the number of forty, to disband said company, and to take into his possession any



fire apparatus said company may have had in charge, and assign the members of said company, with their assent, to any other company ; provided it is done with the assent of a majority of the company to which they are assigned.

ARTICLE V.—OF THE BADGES OF OFFICE OF THE MEMBERS OF THE FIRE DEPARTMENT.

SECTION 1. In order that the chief engineer and fire wardens may be readily distinguished at fires, they shall each be furnished with a wand six feet long, and the one to be used by the chief engineer shall have a gilded blaze at the top, and those to be used by the fire wardens shall have a white flame at the top, and the firemen shall wear such other badges as may be agreed upon by a majority of the company to which they belong.

ARTICLE VI.—OF THE DUTIES OF THE MARSHAL, PREFECT OF POLICE AND CONSTABLES.

SECTION 1. It shall be the duty of the marshal, and the prefect of police, and so many of the constables as are not on duty at the time of any fire, to repair immediately on the alarm of fire, with their badges of office, to the place where such fire may be, and it shall be the duty of the marshal, prefect of police and the constables present at a fire to report themselves to the chief engineer, or the fire warden acting in his place, and conform to such orders as may be given to them for the preservation of the peace and the removal of all idle and suspected persons, or others not actually or usefully employed in extinguishing the fire, or in the preservation of the property in the neighborhood thereof, and also to arrest any and all persons refusing to obey the orders of the chief engineer, or either of the fire wardens upon request, and remove them to the public place of confinement, and there detain them until a complaint can be made against them before the police court as hereinafter provided. And if the marshal or either of the constables not on duty at the time of an alarm of fire, shall neglect to attend at such fire, or to report himself as required, or to obey any orders that may be given him as aforesaid, he shall forfeit and pay the sum of ten dollars for each offense.

SECTION 2. All constables on duty as policemen of Honolulu at the time of an alarm of fire, are hereby ordered and required to re-

main at the places where they have been stationed by the marshal or the prefect of police, and to give the alarm of fire by crying Fire ! Fire !! until the entire community are alarmed, and should any of the constables, being so on duty, leave his station without the express orders of the marshal or the prefect of police, he shall forfeit and pay ten dollars for every offense, and be liable to be removed from his office.

ARTICLE VII.—OF THE DUTIES OF RESIDENTS IN RELATION TO FIRES.

SECTION 1. No person shall kindle any fire, nor furnish the materials for any fire, nor in any way authorize or allow any fire to be made in any street, road or lane, or on any pier or wharf in the city, except for the purpose of boiling tar, which fire shall not be more than ten feet from bulkhead or the end of the pier, under the penalty of five dollars for each offense, unless by the permission of the chief engineer.

SECTION 2. Every building occupied as a dwelling house in Honolulu, and every building occupied as a store or storehouse, or as a regular place of business, shall be furnished with at least two wooden buckets, which shall at all times when not in use at a fire, be hung in a conspicuous place, accessible to the inmates of the building, upon which shall be painted the name of the owners, and all occupants of buildings not so furnished within sixty days after the passage of this law, shall forfeit and pay ten dollars.

SECTION 3. All women who are not the occupants of the buildings on fire, or in danger of being set on fire, are hereby prohibited from attending at or near buildings on fire, under a penalty of five dollars for each offense.

SECTION 4. Any person giving a false alarm of fire by proclaiming fire, or by any other means whatsoever, in Honolulu, shall forfeit and pay fifty dollars for each offense.

SECTION 5. Any person who shall send off any fire rockets, or throw into any street ignited fire crackers within Honolulu, shall forfeit and pay five dollars for each offense, unless with the permission of the chief engineer.

SECTION 6. All male residents of Honolulu, except firemen going

to a fire, are required to carry the buckets belonging to the building occupied by him or them, and while at the fire to obey the orders of the chief engineer, fire wardens, marshal, prefect of police and constables, under a penalty of five dollars.

SECTION 7. Any person cutting, or in any way intentionally injuring, any portion of the fire apparatus, shall forfeit and pay—not exceeding one hundred dollars.

SECTION 8. It shall be the duty of any and all persons owning or occupying premises adjacent to a fire, to allow free access to the same by the fire department upon the order of the chief engineer or either of the fire wardens, for the purpose of obtaining water or using the fire apparatus for the extinguishing of any fire, and in case such access is refused, the chief engineer, or the person acting in his place, is hereby authorized forcibly to enter the said premises, for the purposes aforesaid, and the person so refusing shall forfeit and pay not less than fifty dollars.

ARTICLE VIII.—OF THE PENALTIES, HOW APPROPRIATED.

SECTION 1. All the fines and penalties and forfeitures imposed by this Law, may be sued for and recovered before the police court of Honolulu, upon the complaint of any member of the fire department, or of any police officer on duty at the fire, in the name of the prefect of police of Honolulu, and shall be paid over to the chief engineer of the fire department, who is hereby authorized and required to pay over the amount thereof to the foremen of the several fire companies of Honolulu, share and share alike.

ARTICLE IX.—OF THE LIMITS OF THE OPERATION OF THIS LAW.

SECTION 1. All the provisions of this law shall be binding upon all persons residing within one mile of the public market of Honolulu, and go into effect on the day when the same is published in the Poly-nesian, in the English and Hawaiian languages.

Done and passed this 27th day of December, A. D., 1850.

KAMEHAMEHA.

KEONI ANA.

Confirmed by the Legislature May 8, 1851.

WM. L. LEE,

Speaker of the House of Representatives.

KAMEHAMEHA.

KEONI ANA.

## A LAW

## ESTABLISHING A BOARD OF HEALTH.

WHEREAS, moved by considerations for the public health, it pleased us on the fourteenth of this month, to grant power and authority to T. C. B. Rooke, George A. Lathrop, M. D., Benjamin F. Hardy, G. W. Hunter, E. Hoffman, M. D., Richard Hill Smyth, and W. Newcomb, to be, and act as a board of health, and whereas, they have proposed for our approval, certain Rules for their organization, as such board of health :

Be it therefore known to all whom it may concern that We, by and with the advice of our Kuhina Nui, and members of our Privy Council, hereby decree and authorize (subject to the sanction of our Legislative Chambers,) the following rules, viz. :

SECTION 1. T. C. B. Rooke, George A. Lathrop, M. D., Benj. F. Hardy, G. W. Hunter, E. Hoffman, M. D., Richard Hill Smyth, and W. Newcomb, shall hereafter compose the Board of Health, three of whom shall constitute a quorum, and when a vacancy shall occur, either by death, removal, or resignation, said vacancy shall be filled by the remaining members, elected by ballot, and that to constitute an election, there shall not be more than one dissenting vote.

SECTION 2. That the board of health have the power to elect their own officers, which shall consist of a chairman, a secretary, and an executive committee of three members, and that the elections shall take place annually and by ballot.

SECTION 3. That it shall be the duty of the executive committee, or their authorized officer, to examine all residences, or places in the city of Honolulu, and its environs, when there shall be reported to them any existing nuisance, deleterious to the public health, or when they may have reason to suppose any such nuisance to exist, and report the condition of the same to the board.

SECTION 4. That it shall be the duty of the marshal, or prefect of police, to report to the Board, in writing, the existence of any nuisance, of which either of them may be cognizant, as soon as possible after it comes to the knowledge of either.

SECTION 5. All orders emanating from the board, within its jurisdiction, (and not otherwise provided for) shall be made in writing, and served by the marshal or prefect of police.

SECTION 6. That the Board of Health are empowered to consider and report upon the existing quarantine laws, and to frame such rules of visits and compensation, as to them shall appear necessary and reasonable, which rules, after our sanction in privy council, shall be published, and have the force of law, subject to the approval of our Legislature, as aforesaid.

SECTION 7. That it shall be the duty of every member of the board, and of every physician in the city, to report to the board of health, in writing, every patient he shall have laboring under any malignant disease, highly dangerous to the public health, within twenty-four hours after he shall be satisfied of the nature of the disease. Also, during the prevalence of any malignant disease, to report to the same board, every case of death which takes place in his practice, within twenty-four hours after it shall have occurred.

SECTION 8. That it shall be the duty of the heads of each family, and of every person keeping a boarding or lodging house in the city of Honolulu, to report personally or in writing to some member of the board of health, the names of every person in their families, or boarding or lodging at their houses whom they shall have reason to believe to be sick with malignant disease, within six hours after its occurrence.

SECTION 9. That any master of a vessel lying in the harbor of Honolulu, shall make a like report, and within the same time.

SECTION 10. The board of health shall have power to remove all cases of malignant disease, when the health of the city shall require it.

SECTION 11. That in the case of the introduction of any pestilential and contagious disease, into the city, it shall be the duty of the

board of health, to report the same immediately to the Government, that with their approval, a suitable building or buildings, with the necessary fixtures, appliances, and remedial means may be provided in an isolated situation, for the reception of such cases as may be deemed proper by the board.

SECTION 12. The physician or physicians requisite to attend such patients, shall be elected by the board of health, subject to the approval of the Government, and shall receive such compensation as determined upon by said Board, and approved by the Government.

SECTION 13. When it shall not be deemed expedient to remove such patients as above named, the board of health shall have authority to cause to be erected at the house, sufficient notification to warn all persons of the existence of such disease, and it shall not be lawful for any person, except sufficient attendants, to hold communication with such patients until such notifications shall be removed by the proper authority, which shall not be, until said house have undergone purification, such as shall be required by the board, and it shall not be lawful for such patients or attendants to leave such premises until permitted by the board.

SECTION 14. It shall be the duty of every Physician attending upon such patients to use all proper means to avoid communicating the same, by undergoing such process of purification as may by the Board be deemed advisable.

SECTION 15. In case pestilence should visit the city, many persons by being deprived of health, may also be deprived of food, and in that case a sum of money or supply of provision and other necessaries shall be appropriated by the government, to be placed at the disposal of the board of health, for the relief of such destitute persons, that the severity of the pestilence may not be increased by starvation, or the want of proper food.

SECTION 16. Dead bodies shall not, hereafter, be buried within the city, but shall be buried in places selected for that purpose by the board of health with the approval of the government, but it shall be lawful to bury as hitherto, until public notice be given of such selections.

SECTION 17. No interment of any person murdered, dying under suspicious circumstances, or of any malignant disease shall take place without the case being first reported to the marshal with, if practicable, the name, age, sex, and nation of the deceased, when said officer shall furnish a certificate, permitting the burial: of all the above a record shall be kept, subject to the inspection of the board of health.

SECTION 18. The board of health shall furnish for the government, proper for publication during the time of pestilence, each week, a report of the health of the city, and at other times, once per month.

SECTION 19. The board of health shall have the power to make all necessary regulations among themselves, for the full performance of their duties, provided that they do not interfere with these rules, or other city laws.

The Minister of the Interior is charged with the execution and promulgation of this Decree.

Done in our Privy Council, this 16th day of December, 1850.

KAMEHAMEHA.

KEONI ANA.

Confirmed by the Legislature on the 8th day of May, 1851.

WM. L. LEE,

Speaker of the House of Representatives.

KAMEHAMEHA.

KEONI ANA.

## MARKET LAW FOR THE CITY OF HONOLULU.

BE IT ENACTED *by the House of Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

## TITLE I.—OF PUBLIC MARKETS AND MARKET DAYS.

SECTION 1. That the new stone building on the wharf at Honolulu, erected for a market, and the adjacent grounds seaward of Pulaholaha belonging to the government, are hereby declared to be the Public Market of Honolulu.

SECTION 2. Every day in the week except Sunday, shall be public market days.

## TITLE II.—OF THE CLERK OF THE MARKET, HIS POWERS AND DUTIES.

SECTION 1. There shall be appointed by the Governor of Oahu, with the written approval of the Minister of the Interior, one suitable person as clerk of the public market of Honolulu, removable by the same persons.

SECTION 2. The said clerk shall, before entering upon the duties of his office, execute a bond, with one good and sufficient surety, in the penal sum of one thousand dollars, to be approved by the Governor of Oahu, and payable to him for the use of the public exchequer, conditioned for the faithful performance of the duties required of him by law.

SECTION 3. The clerk of the said market is hereby empowered and required to demand of any and every person offering to sell any article on the land adjacent to said building and designated as the public market, on a market day, as the daily rent of the ground occupied by him, such sum as he may deem just, provided it is not less than five cents, which the said person must pay upon leaving the public market or be subject to a penalty of five dollars for his neglect or refusal so to do.



SECTION 3. The said clerk shall faithfully collect the market fees and fines, to be fixed under the provisions of this law, and shall, once in every month, render true and faithful account to the minister of finance of the Hawaiian Government, of all moneys which he may have received by virtue of his office, and shall thereupon forthwith pay over the same to said minister.

SECTION 4. It shall be the duty of the clerk to cause all dirt and filth which may accumulate in said public market, to be removed daily, as hereafter provided, by the person or persons occupying any portions thereof.

SECTION 5. It shall be the duty of said clerk to cause a bell to be rung five minutes previous to the opening and closing of said market, on every market day, and every person attending said market with articles for sale, shall, within ten minutes after the bell has been rung to close the market, cease from selling or exposing to sale any article or thing, and in case he refuse to do so, he shall forfeit and pay five dollars for every such offense.

SECTION 6. It shall be the duty of said clerk duly to assign and set apart certain portions of the land adjacent to the building designated as the public market, specifically, to each person in the order in which they may apply to him, for the purpose of exposing to sale, and selling the articles he may wish to expose for sale, and no person shall expose to sale or sell any fresh garden produce, meats, fish, or other articles for consumption, except under licenses, granted under the law of this kingdom, which will permit Hawaiian produce to be sold at the places of business of persons so licensed, at or upon any regular stand, in any street or place within one mile from the public market, other than in the place or places set apart by the said clerk, or in the market building, under the penalty of ten dollars for every offense, it being understood that this section shall not prevent any person from hawking or peddling such articles for consumption as heretofore.

SECTION 7. It shall be the duty of the said clerk to give directions respecting the location or removal of any article in the market or the street adjoining, and any person who shall neglect or refuse to obey such directions, shall forfeit and pay for every such offense the sum of ten dollars, and shall be liable forthwith to be removed, and prevented from occupying any portion of said market by said clerk.

SECTION 8. In case any person should be removed or prevented from occupying any portion of said market by said clerk, the person so removed may lay the facts and circumstances under which he was removed before the Governor of Oahu, and should he upon investigating the matter be satisfied that no wrong was intended, it will be at his option to reinstate the person so removed from the market.

SECTION 9. It shall be the duty of said clerk, once in every month, and whenever requested so to do by any purchaser in said market, to inspect and examine all the weights, measures and beams used in weighing and measuring in the public market, and make them conform to the weights and measures established by the general laws of this kingdom, at the expense of the owner, and if any person shall refuse to exhibit his or her weights and measures, and make them conform to the weights and measures established by law, upon the request of the said clerk, he shall forfeit for such offense twenty-five dollars.

SECTION 10. Any person using any weights or measures, in the public market, not approved by the clerk of the market shall forfeit ten dollars.

SECTION 11. It shall be the duty of said clerk to prevent any defacing of the public market by posting notices upon the walls, or any other way, and to provide suitable boards or bulletins for that purpose to be located at a conspicuous place near said market building, and any person defacing said market in any way shall forfeit five dollars.

SECTION 12. It shall be the duty of the said clerk to attend at the public market on market days, for the purpose of carrying into effect the provisions of this law.

SECTION 13. It shall be the duty of the said clerk to report any violations of this law to the prefect of police, who is hereby required to prosecute the same before the police justice of Honolulu, who is hereby empowered to hear and try the same and render a judgment for any penalty forfeited upon execution, to collect the amount thereof.

SECTION 14. The salary of said clerk may be fixed and allowed at the discretion of the Governor of Oahu, with the approbation of the minister of the interior, and shall be paid out of the public exchequer upon the order of the Governor of Oahu.

## TITLE III.—OF THE LEASING THE PUBLIC MARKET.

SECTION 1. The clerk of the market shall designate and declare to what use and purposes the stalls and stands in the market building shall be appropriated on the first Monday of February, May, August and November, and lease the same on said days at auction for the ensuing three months, the rent of the same to be paid in advance, and account for the said rents immediately to the minister of finance.

SECTION 2. The clerk of the said market is hereby empowered and required to demand of any and every person offering to sell any article on the land adjacent to said building, and designated as the public market, on a market day, as the daily rent of the ground occupied by him, such sum as he may deem just, provided it is not less than five cents, which said person must pay upon leaving the public market, or be subject to a penalty of five dollars for his neglect or refusal so to do.

## TITLE IV.—OF MARKET HOURS.

SECTION 1. The public market shall be opened upon every market day from the hour of five o'clock in the morning until seven o'clock in the evening and no longer, except on Saturday, when the same shall be kept open until 10 o'clock in the evening.

SECTION 2. Persons desirous of selling articles in the public market will be permitted to arrange them for sale during the hour previous to the opening of the market.

## TITLE V.—OF CLEANSING THE PUBLIC MARKET.

SECTION 1. It is hereby required of each and every person renting and occupying any stall or stand in the market building, or any portion of the public market, to purify and clean the same under the direction of the clerk of the market, within one hour after the market hours have elapsed, and deposit whatever dirt or filth may have accumulated in the stall or stand or upon the ground occupied by him, wherever the said clerk may direct, under a penalty of five dollars for neglecting or refusing so to do.

SECTION 2. It is hereby required that all persons occupying any portions of the public market, under the provisions of this law, which

is not enclosed or covered, shall within one hour after the market hours have elapsed, remove from the public market every article or thing they have remaining not sold, except their table or stand, and that those persons who have stalls or stands in the market building, shall on every Saturday, within one hour after the market hours have elapsed, remove all articles remaining unsold, under a penalty of ten dollars.

GENERAL PROVISIONS.

SECTION 1. That the governor is instructed to cause a board to be put up at each end of the market with a copy of this ordinance in Hawaiian and English posted upon it, for the convenience of all who may wish to consult it : also to cause the same to be posted about the town.

SECTION 2. That the governor is instructed to cause to be put up in some conspicuous place a clock to mark the time.

Done at the Palace at Honolulu, this 6th day of November, A. D., 1850.

KAMEHAMEHA.

KEONI ANA.

Confirmed by the Legislature on the 12th day of May, 1851.

WM. L. LEE, Speaker.

KAMEHAMEHA.

KEONI ANA.

## AN ACT

TO AMEND THE LAW RELATING TO THE ELECTION OF THE REPRESENTATIVES  
OF THE PEOPLE.

BE IT ENACTED *by the House of Nobles and Representatives of the  
Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. That it shall be the duty of the inspectors of elections for Representatives of the People, in the several districts in this kingdom, when they deliver, to the person or persons elected, the certificate required by Section 9 of the " Act to regulate the election of the representatives of the people," passed on the 30th day of July, A. D. 1850, to send, at the same time, a copy of such certificate, to the governor of the Island in which said district is situated, who, also, shall transmit, immediately, a copy to the minister of the interior.

SECTION 2. That, hereafter, whenever any vacancy shall occur in the representation of any of the electoral districts of this kingdom, either by resignation, death, or any other cause, it shall be the duty of the inspectors of elections, in such district, immediately on ascertaining the fact, to give ten days' previous public notice, for holding a new election, at such place as they may designate, within such district ; and any such election, so ordered and held, shall be valid, and of the same effect as the annual election, on the first Monday in January, as prescribed in the " Act to regulate the election of the Representatives of the People," mentioned in Section 1.

SECTION 3. In the event of any such vacancy occurring, during the period in which the Legislature is in session, it shall be the duty of the clerk of the House of Representatives, immediately to notify the inspectors of elections for the district in which such vacancy has occurred, of that fact.

Passed by the House of Representatives this May 20, A. D. 1851.

WM. L. LEE,  
Speaker.

Passed by the house of Nobles.

KEONI ANA, President.

Approved by the King, this 11th July, 1851.

KAMEHAMEHA.

KEONI ANA.

## AN ACT

GRANTING TO THE PEOPLE THE RIGHTS OF PISCARY, NOW BELONGING TO THE GOVERNMENT.

WHEREAS, The fish belonging to the government are productive of little revenue ; and whereas, the piscary rights of the government, as managed by the fishing agents, are a source of trouble and oppression to the people.

Therefore,

*Be it enacted by the House of Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. That, thirty days, from and after the publication of this act in the Elele and Polynesian newspapers, all fish belonging to or especially set apart for the Government, shall belong to and be the common property of all the people, equally ; excepting that the two-thirds mentioned in section 8, No. 7, article 5, chapter 6, part 1, of the act to organize the executive departments, shall not be exacted of the konohiki ; and in all cases where the konohiki shall set apart one kind of fish only, as per section 4, of said law, such fish shall belong to the konohiki exclusively, and without division or molestation.

SECTION 2. All fishing grounds appertaining to any government land, or otherwise belonging to the government, excepting only ponds, shall be, and are, hereby, for ever, granted to the people for the free and equal use of all persons : Provided, however, that, for the protection of such fishing grounds, the minister of the interior may taboo the taking of fish thereon, at certain seasons of the year.

SECTION 3. The minister of the interior shall give public notice in the Elele and Polynesian newspapers of any such taboo imposed by him, together with the name of such fish, and no such taboo shall be in force until due notice has been given; any person who shall be

found guilty of violating such taboo, upon complaint before any district justice, shall be punished by a fine not exceeding fifteen dollars in the discretion of the court, and restore all fishes taken or the value thereof.

SECTION 4. No person, living without the kingdom, shall take any fish within the harbors, streams, reefs, or other waters of the same, for the purpose of carrying them for sale or otherwise, to any place without the kingdom.

SECTION 5. Every person violating the provisions of the preceding section, may be punished, upon complaint made to any district justice, by a fine not exceeding two hundred dollars, in the discretion of the court.

SECTION 6. All acts, or parts of acts, resolves, or parts of resolves, contrary to the provisions of this act, shall be, and the same are, hereby, repealed.

SECTION 7. The minister of the interior is, hereby, charged with the execution of this act.

Passed by the House of Representatives, this May 15th, 1851.

WM. L. LEE.

Speaker.

Passed by the House of Nobles.

KEONI ANA, President.

Approved by the King, July 11th, 1851.

KAMEHAMEHA.

KEONI ANA.



## AN ACT

TO PROTECT THE PEOPLE IN CERTAIN FISHING GROUNDS.

WHEREAS, certain persons to whom Government lands have been sold, have assumed exclusive rights of fishing in the sea adjacent to said land, without the justification of law ; and whereas the people in numerous instances, have been unjustly deprived of their rights to fish on the grounds long since made free to them by law, namely, on the fishing grounds commonly known as the *Kilohee Grounds*, the *Luhee Grounds*, the *Malolo Grounds*, and the fishing of the ocean from the reefs seaward, and whereas the present law affords no sufficient protection to the people in those rights ;

Therefore—

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. That no person who has bought, or who may hereafter buy, any Government land, or obtain land by lease or other title from any party, has or shall have any greater right than any other person, resident in this kingdom over any fishing ground not included in his title although adjacent to said land. The fish in said fishing ground shall belong to all persons alike, and may be taken at any time, subject only to the taboos of the minister of the interior.

SECTION 2. If that species of fish which has been tabooed by any konohiki, shall go on to the grounds which have been, or may be, given to the people, such fish shall not be tabooed thereon. It shall only be tabooed when caught within the bounds of the konohiki's private fishery. Nor shall it be lawful for a konohiki to taboo more than one kind of fish upon any fishing grounds which lie adjacent to each other.

SECTION 3. Every konohiki or other person who shall wilfully deprive another of any of his legal rights to fish on any fishing ground,

which now is, or may become, free to the use of the people, or who shall wilfully exact from another any portion of the fish caught on any public fishing ground, or who shall wilfully exact of another, for the use of any private fishery, a greater amount of fish than by law he is entitled to receive as his share, and any tenant or other person who shall wilfully deprive any konohiki of his fishing rights, by appropriating to himself the tabooed fish of said konohiki, or otherwise, shall be punished by a fine not exceeding one hundred dollars for every such offense, in the discretion of the court, and in default of the payment of said fine, be imprisoned at hard labor until the same is paid.

SECTION 4. The several district justices of the kingdom shall have the power to try and punish all offenses against the provisions of the preceding section committed in their respective districts.

SECTION 5. This act shall take effect ten days from and after the publication of the same in the Elele and Polynesian newspapers.

Passed by the House of Representatives, May 24, 1851.

WM. L. LEE, Speaker.

Passed by the House of Nobles.

KEONI ANA, President.

KAMEHAMEHA.

KEONI ANA.

## AN ACT

TO PROVIDE FOR THE LICENSING OF PUBLIC SHOWS.

BE IT ENACTED, *by the Nobles and Representatives in Legislative Council assembled:*

SECTION 1. That the minister of the interior may, upon the application of any person, license all *Public Shows, Theatrical, Equestrian, or other exhibitions* of any description, to which admission is obtainable on payment of money, for such time, and upon such terms and conditions as the said minister of the interior, shall think reasonable ; and the chief of police in any town or district where the same shall be exhibited may regulate such show or exhibition in such manner as he shall think necessary for the preservation of order and the public peace.

SECTION 2. Any person who shall set up or promote any such such or exhibition, or shall publish or advertise the same, or otherwise aid or assist therein, without a license first obtained, as provided in the preceding section, or contrary to the terms or conditions of such license, or after the same shall have expired, without obtaining a new one, shall be fined a sum not exceeding five hundred dollars in the discretion of the court.

SECTION 3. Any police or other district justice shall have the power to issue a warrant for the arrest of any person complained against for the violation of any of the provisions of the preceding section, to try such person, and if found guilty to fine him for such offense, as above provided.

SECTION 4. This Act shall be published in the "Elele," and "Polynesian" newspapers, and take effect on the tenth day after said publication.

Passed by the House of Representatives, May 20th, 1851.

WM. L. LEE, Speaker.

Passed by the House of Nobles.

KEONI ANA, President.

KAMEHAMEHA.

KEONI ANA.

## AN ACT

RELATING TO THE FORT LANDS OF HONOLULU.

WHEREAS the reserve of lands, made by the law of the 7th June, 1848, for the use of the fort, in Honolulu, to be cultivated by soldiers, or other tenants, under the direction of the governor of Oahu, has not been productive, and consists of waste and scattered pieces, interspersed with the lands of private individuals:

Therefore—

*Be it enacted by the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That so much of the law of of the 7th June, 1848, entitled "An Act relating to the lands of his Majesty the King, and "of the government," as sets apart fifty-two ilis of land, in Honolulu, Kalihi, and Waikiki, for the use of the fort, in Honolulu, to be cultivated by soldiers and other tenants, under the direction of the governor of Oahu, shall be, and is, hereby, repealed.

SECTION 2. The minister of the interior shall cause surveys of such lands to be made, together with the native kuleanas therein, whether the same have been entered at the land commission, or not; and he may, with the consent of the King in privy council, grant royal patents, for such kuleanas as may be awarded by said land commission, free of charge, to the claimants or occupants.

SECTION 3. Out of such portions as may remain, after deducting the kuleanas of the natives, and all other valid claims, the minister of the interior shall cause to be surveyed and set apart, for a public nursery and horticultural garden, under the direction of the Royal Hawaiian Agricultural Society, such pieces, either conjointly or separately, as shall be suitable in soil, and conveniently situated; not to exceed, however, the area of fifty acres.

SECTION 4. The remainder of such land shall be sold by the minister of the interior, at public auction, in such lots, and at such times, as he may deem best; and the proceeds of such sales shall be paid in to the minister of finance, as a portion of the public revenue.

SECTION 5. This act shall take effect on the thirtieth day after its passage.

Passed by the House of Representatives May 20th A.D. 1851.

WM. L. LEE,

Speaker.

Passed by the House of Nobles.

KEONI ANA, President.

Approved by the King, July 11th, 1851.

KAMEHAMEHA.

KEONI ANA.

## AN ACT

TO REGULATE THE LETTING AND JOBBING OF HORSES IN HONOLULU.

WHEREAS, frequent complaints are made of fast riding in the streets and roads of Honolulu, by persons unable from intoxication to manage their horses : Whereas, the lives of women and children as well as those of all foot passengers are thereby endangered: And, Whereas the facility of earning a subsistence by letting and jobbing horses, has induced many ablebodied men to withdraw from the cultivation of the land :

Therefore—

BE IT ENACTED *by the House of Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. That, on the 10th day of June next, it shall cease to be lawful for any one to let or job horses for hire, in Honolulu, who shall not have taken out a license as prescribed in this act.

SECTION 2. The minister of the interior shall have power, from and after that date, to grant licenses, for the letting and jobbing of horses, to persons applying therefor, which licenses shall be good for one year from their date.

SECTION 3. The minister of the interior shall, before issuing any such license, demand and receive of the applicant, the sum of twenty-five cents, for each and every horse intended to be let by him, and the number of horses which he is licensed to let, shall be prescribed in his license.

SECTION 4. All licenses granted under the provisions of this act shall be numbered consecutively, and shall contain a proviso to the effect that the licensed person is not to let any of his horses to be used on the sabbath day, under a penalty of five dollars for each offense, on conviction before a police or district justice.

SECTION 5. Every licensed person shall cause the number of his license to be legibly marked and exhibited on the browband of the bridle of each horse let or hired by him, under a penalty of five dollars for each offense, on conviction before a police or district justice.

SECTION 6. If any person shall let a horse to another, who is at the time, in a state of intoxication, and allow such person to mount and ride off on such horse, the owner shall be fined five dollars for each offense, on conviction before a police or district justice.

SECTION 7. It shall be the duty of every person letting a horse, under the provisions of this act, to caution the person to whom he lets such horse, against fast riding in the streets of Honolulu, under a penalty of five dollars, for each neglect so to do, on conviction before a police or district justice.

SECTION 8. All horses kept for hire shall be liable to be called into the public service, fully equipped by the owners, on their receiving a written order to that effect, signed by the minister of the interior, or the governor of Oahu; and the owners of any horses so called into the public service, shall be entitled to receive, at his majesty's treasury, for the services of each horse, the sum of two dollars per diem.

SECTION 9. Any person letting a horse or horses for hire, in Honolulu, contrary to the provisions of this act, shall be fined in the sum of ten dollars for each offense, on conviction before a police or district justice.

Passed by the House of Representatives, May 27th, A. D. 1851.

WM. L. LEE, Speaker.

Passed by the house of Nobles.

KEONI ANA, President.

Approved by the King, this 11th July, 1851.

KAMEHAMEHA.

KEONI ANA.

## AN ACT

RELATING TO THE REGISTRY OF HAWAIIAN VESSELS, AND THE GRANTING OF  
COASTING LICENSES.

BE IT ENACTED *by the Houses of Nobles and Representatives of the  
Hawaiian Islands, in Legislative Council assembled :*

THAT so much of the present duties of the minister of the interior, as relate to the registry of Hawaiian vessels, and the granting of coasting licenses, be, and the same are, hereby, transferred to, and devolve upon, the collector general of customs, at Honolulu; whose duty it shall, hereafter, be, to register all Hawaiian vessels, and to grant all coasting licenses, in the mode and under the restrictions which now are, or may, hereafter, be prescribed by the laws.

Passed by the House of Representatives, this 27th Day of May,  
A. D. 1851.

WM. L. LEE, Speaker.

Passed by the House of Nobles.

KEONI ANA, President.

Approved by the King, this 11th July, 1851,

KAMEHAMEHA.

KEONI ANA.



## AN ACT

## RELATING TO PRISONS, THEIR GOVERNMENT, AND DISCIPLINE.

WHEREAS the prisons of the Kingdom are wholly inadequate to the safe keeping of Prisoners, regulated by no system, and governed by no discipline, disorderly, and promotive of immorality rather than reform:

Therefore—

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands, in Legislative Council Assembled:*

SECTION 1. The minister of the interior through his clerk of the bureau of internal improvements shall cause to be erected, with the least possible delay, suitable jails, with convenient yards, workshops and suitable accommodations, adjoining or appurtenant thereto, for the safe keeping, correcting, governing, and employing of all persons duly committed to such jails for any cause authorized by law.

SECTION 2. The jails shall be erected in such central and convenient positions on the several islands, as may be approved of by the minister of the interior, as follows, viz :

One on the Island of Kauai,

One on the Island of Oahu,

One on the Island of Maui,

Two on the Island of Hawaii.

In addition to the above island jails, there shall be erected a jail in Honolulu and another in Lahaina, for the temporary detention of persons in said districts committed for trial, or for a disturbance of the public peace, or for contempt of any court, witnesses detained in order to secure their attendance on criminal trials, deserting sailors, and all other persons sentenced to imprisonment for not more than sixty days.

SECTION 3. The jails shall be so constructed as to keep entirely sep-

arate from each other the male and female prisoners; and also in such a manner as to promote the health and cleanliness of those imprisoned therein.

SECTION 4. The yards of the island jails shall be of sufficient extent for the convenient employment of those confined therein, and shall be enclosed by fences of sufficient height and strength to prevent escapes and also to prevent all access to, or communication with, any persons confined therein, by persons without.

OF THE OFFICERS OF THE JAILS.

SECTION 5. The minister of the interior, with the approval of the King in privy council, shall appoint a suitable person to be master of each jail, to hold his office during the pleasure of said minister.

SECTION 6. Each of the said masters shall reside in the prison over which he présides.

SECTION 7. Each of them shall visit every cell and apartment, and see every prisoner under his charge at least once in every day.

SECTION 8. They shall each keep a journal, in which shall be regularly entered the reception, discharge, death, pardon, or escape of any prisoner; and also, all punishments that are inflicted for the breach of prison discipline, as they occur, and all other occurrences of note, that concern the state of the prison.

SECTION 9. On the commitment of any prisoner, there shall be entered on the journal, the sex, age, height, personal description, last place of abode, and place of his nativity.

SECTION 10. Each master shall keep an exact account of all the receipts and expenditures of his prison, and make a quarterly report of the same to the minister of the interior.

SECTION 11. The masters may appoint assistants and dismiss them at pleasure.

SECTION 12. Each master shall put up in every cell and apartment of the prison under his care, a copy of the rules for the government thereof, and shall cause them to be explained to those who cannot read, or understand them.

SECTION 13. No master shall absent himself from the prison under his charge for a night, unless in the execution of some duty that requires such absence, or by reason of some unforeseen accident which renders it necessary; and such absences with the reasons shall be noted on the journal.

SECTION 14. The master of each jail shall see that the same is constantly kept in as cleanly and healthful a condition as may be, and shall cause the whole interior thereof, including the floors, to be thoroughly whitewashed with lime, at least four times in each year.

SECTION 15. Such masters shall see that strict attention is constantly paid to the personal cleanliness of all the prisoners in their custody, as far as may be, and shall cause the shirt of each prisoner to be washed and changed at least once in each week. They shall also see that each prisoner is furnished daily with as much clean water as he shall need for drink and personal cleanliness, and with a clean towel once a week.

SECTION 16. Every master of a jail shall see that all the prisoners in his custody, who respect the rules of the prison, are served three times each day with wholesome food in good order and in sufficient quantity.

SECTION 17. Every such master shall provide for each prisoner under his charge, who may be able and desirous to read, a copy of the bible or of the new testament to be used by such prisoner, at proper seasons, during his confinement; and any minister of the gospel, disposed to aid in reforming the prisoners and instructing them in their moral and religious duties, shall have access to them, at seasonable times, when not required to be employed in labors.

SECTION 18. The masters and their assistants must be men of sobriety, honesty, and industry, they must understand reading, writing, the first rules of arithmetic, and the masters must speak, for the common purposes of life, the Hawaiian and English languages.

SECTION 19. No master or assistant shall receive from any prisoner, or from any one in behalf of such prisoner, any emolument or reward whatever, or the promise of any, either for services or supplies, or as a gratuity, under the penalty of a fine of one hundred dollars and

imprisonment for thirty days ; and when any breach of this section shall occur, the offender shall be immediately deprived of his office.

OF THE INSPECTORS AND THEIR DUTIES.

SECTION 20. The minister of the interior with the approval of the king in privy council, shall appoint two persons on each of the islands of Kauai, Oahu, Maui, and four persons on the Island of Hawaii, who, together with the respective governors, shall form a board of prison-inspectors for each of said islands.

SECTION 21. It shall be the duty of said inspectors to visit the jails of the island for which they are appointed, at least once in every week, to see that the duties of the several officers of such jails are performed—to prevent all oppression, peculation, or other abuse in the management of the same ; and to report to the minister of the interior such means as may suggest themselves for their improvement. They shall form rules for the government of such jails, and the employment of the prisoners, not inconsistent with this act. They shall direct the purchase of all implements and materials for the manufactures carried on therein, and the sale of the articles manufactured which are not wanted for the use of the prisoners, and they shall direct the manner in which all purchases of provisions and other supplies for the prisoners shall be made.

SECTION 22. They shall cause accurate accounts to be kept of all expenditures and receipts in each of the prisons under their direction.

SECTION 23. They shall on or before the first day of January, in every year, make a report to the minister of the interior, of the state of the prisons and the discipline therein on their respective islands. The report shall contain the name, age, sex, place of residence and nativity, time of commitment, term of imprisonment, and employment in prison, of each person who has been committed during the preceding year—noticing also those who may have escaped, or died, or who were pardoned, or discharged, designating the offense for which the commitment was made, and whether for a first or repeated offense, and where and in what court or by whose order : And in each report the inspectors shall make such observations and give such information

as they deem expedient for making said prisons effectual in the punishment and reformation of offenders.

SECTION 24. The inspectors shall have power to examine any person on oath, relative to any abuse in said prisons, or other matter within the purview of their duties.

SECTION 25. They shall have power to make rules for the preservation of prison discipline and for promoting industry, morals, and education, in the several prisons, which shall not be contrary to this act, or of any other law, and to impose and cause to be inflicted punishments they shall have ordained for the breach of said rules.

SECTION 26. Each inspector shall have the right to visit and inspect the prisoners when he shall deem it expedient; and the officers of the same are bound to submit to them, or either of them, the books, papers and accounts, belonging to the prisons, to which each officer belongs, and to admit them to the prisoners therein confined.

SECTION 27. The inspectors shall call at least once in every three months upon the master of each jail within their jurisdiction for an exhibition of the accounts of such jail, examine the same, and compare the entries with the vouchers; and report any abuses or oppressions therein, that may come to their knowledge, to the minister of the interior.

SECTION 28. It is made the special duty of the inspectors, in their individual or joint visits to the prisoners, to enter into friendly conversation with them, to impress on their minds the importance of moral and religious instruction, of industry and orderly conduct.

SECTION 29. The inspectors shall have the power to make contracts, for work to be done in the prison, with any person, who may be disposed to furnish materials to be there wrought; and also to make contracts for letting out to hire, during the day time, any of the persons there confined, to employers living near enough, in their opinion, to the prison, for the master to have the general inspection of their conduct, and of the treatment they receive.

SECTION 30. No work shall be performed nor any article manufactured by any prisoner for the use of any inspector or other officer of

any prison; nor shall they or either of them receive under any pretence whatever any sum of money or gift of value, under the penalty of a fine of five hundred dollars.

SECTION 31. The inspectors may, in case of the necessary and temporary absence or disability of any master of, or of any other officer employed in, the prison under their direction, employ a substitute during such absence or disability; which substitute shall, for the time being, perform all the duties, have all the authority, and be liable to all the penalties as the officer himself.

SECTION 32. Two of said inspectors shall constitute a quorum and may do any of the things required of the said inspectors by this act.

#### OF THE PAY OF OFFICERS.

SECTION. 33 The pay of the masters of the island and other jails, shall be determined by the minister of the interior.

SECTION 34. Each inspector shall receive for every day's service a sum which will not exceed five dollars, nor in any one year exceed three hundred dollars.

SECTION 35. The pay of the master's assistants, under keepers, and turnkeys, shall be such reasonable compensation as may be fixed by the inspectors.

#### OF THE TREATMENT OF PRISONERS.

SECTION 36. All prisoners confined only in order to secure their attendance as witnesses, shall be under no other restriction than what is necessary to prevent their escape from prison; good and wholesome food, comfortable bedding and other necessaries shall be provided for them at the public expense; or they may be allowed to provide it for themselves, and every such prisoner shall be immediately liberated on his giving the security for his appearance to testify as required by law.

SECTION 37. Those who are condemned to simple imprisonment for the non-payment of a fine, or other like cause, without labor, and those committed for the want of bail, on the accusation of any offense, shall receive good wholesome food and drink, beds and bedding, according to the prison regulations, at the public expense; or they shall be per-

mitted to purchase or receive such food and beds, of a better quality, at their own expense, subject however to the restrictions of the prison regulations.

They shall also be allowed the free use of books, of pen, ink and paper at their own expense; and may receive the visits of their friends and counsel, at such times as the master of the prison shall deem reasonable.

SECTION 38. All other prisoners, other than those mentioned in the last two preceding sections, confined in any island or other jail, shall be allowed no other drink than that of water, and the coarsest of food.

SECTION 39. The inspectors shall fix the rations of food, and may when circumstances require it, change the same, but it must always be coarse and nutritive.

SECTION 40. No wine or intoxicating liquor shall be used by any prisoner, and any person who shall furnish any such drink to any prisoner, unless the same be prescribed by a physician as a medicine, shall be fined two hundred dollars, and if an officer, be dismissed.

SECTION 41. No tobacco in any form shall be used by any prisoner belonging to the classes named in the thirty-seventh and thirty-eighth sections of this act, and any person who shall furnish it to any such prisoner, shall be fined two hundred dollars, and if an officer, be dismissed.

SECTION. 42. No such prisoner shall be permitted to receive any society in his place of confinement without permission of the master, and the time of such visit shall in no case exceed one hour at a time.

#### OF THE NATIONAL PENITENTIARY.

SECTION 43. The minister of the interior shall cause to be erected, on such island and at such place as he may deem best, and with the least delay possible, a national penitentiary; in which shall be imprisoned all persons convicted of crime in any part of this kingdom, and sentenced to imprisonment for life, or for a longer term than two years.

SECTION 44. The Penitentiary shall be so constructed as to be

at all times completely ventilated, and so as to contain ranges of separate cells, one for each convict, and all other necessary rooms and buildings for the safe keeping and support of the prisoners, and for the preservation of their health. It shall also have a separate enclosure, containing cells for female convicts, so disposed as to prevent all means of communication with the male convicts.

SECTION 45. The officers of the Penitentiary shall be three inspectors, a warden, a deputy warden, a physician, a chaplain and three turnkeys, who shall be overseers; all of whom shall be appointed by the minister of the interior, with the advice and consent of the King and Privy Council, with the exception of the turnkeys, they shall hold their offices during the pleasure of the King and Privy Council, but not more than two years under one appointment.

SECTION 46. The warden, when he shall think it necessary, may appoint watchmen, not exceeding three in number; and they, as well as the turnkeys, shall hold their offices subject to the pleasure of said warden.

SECTION 47. The warden and deputy warden shall reside constantly within the precincts of the prison, and neither of them nor the turnkeys or watchmen shall, during the time of holding office, be employed in any business for private emolument, nor in any business which does not pertain to the duties of their respective offices.

SECTION 48. The officers of the penitentiary shall receive the following salaries, to wit, each inspector, one hundred dollars a year; the warden two thousand dollars; the deputy warden one thousand dollars; the physician five hundred dollars; the chaplain one thousand dollars; each turnkey and each watchman five hundred dollars; and no other reward or emolument shall be allowed to, or received by any of them.

#### THE POWER AND DUTIES OF THE OFFICERS OF THE PENITENTIARY.

SECTION 49. The inspectors shall from time to time establish rules and regulations, not inconsistent with the constitution and laws of this kingdom, for the direction of the officers of the penitentiary, in the discharge of their duties, for the government, employment and discipline of the convicts, and for the custody and preservation of the public property.



SECTION 50. The inspectors or one of them shall visit the penitentiary at least once in each week, and it shall be visited by the board of inspectors once every three months and oftener if they shall think necessary, for the purpose of inspecting the books and all the concerns of the prison, and ascertaining whether the officers are competent and faithful, and the convicts are properly governed and employed.

SECTION 51. The inspectors shall report to the minister of the interior all violations of law and omission of duty by the warden, or any other officer, appointed by the minister of the interior, that shall come to their knowledge. They shall also on the first Monday of January in each year, make a detailed report to the minister of the interior, which shall contain a full statement of all concerns of the prison, for the year next preceding, and make such observations, and give such information as they may deem expedient for making said penitentiary effectual in the punishment and reformation of offenders.

SECTION 52. All the books and documents relating to the concerns of the prison, shall at all times be open to the examination of the inspectors, who shall, semi-annually, carefully examine the said books, and compare them with the vouchers and documents relating thereto.

SECTION 53. The warden, before entering upon the duties of his office, shall give a bond to the minister of the interior in the sum of five thousand dollars, with sufficient sureties, to be approved by said minister, with condition that he shall faithfully account for all monies placed in his hands as treasurer, and perform all the duties incumbent upon him as warden.

SECTION 54. The warden shall have the charge and custody of the the penitentiary, with lands, buildings, furniture, tools, and provisions, and every other species of property pertaining to, or within the precincts thereof; he shall be the treasurer of the penitentiary, and shall receive and pay out all monies granted by the legislature for the support thereof; and he shall cause to be kept in suitable books, regular and complete accounts of all the property, expenses, income, business, and concerns of the establishment.

SECTION 55. The warden shall, on the first Monday of January, April, July and October, in each year, cause to be made full and detailed accounts, of all the disbursements and expenses, and all the re-

ceipts and profits of the penitentiary, accompanied by sufficient vouchers, which accounts after having been examined and approved by the inspectors, shall be audited and settled by the minister of finance, who shall file the same in his office for the inspection of the legislature.

SECTION 56. All contracts, on account of the prison shall be made by the warden in writing, and when approved by the inspectors in writing, shall be binding in law, and the warden, or his successor, may sue or be sued thereon to final judgment and execution ; no such suit shall abate by reason of the office of warden becoming vacant, but any successor of the warden, pending such suit, may take upon himself the prosecution or defense thereof, and upon motion of the adverse party, and notice, he shall be required so to do.

SECTION 57. Whenever a controversy shall arise, respecting any contract made by the warden on account of the penitentiary, or a suit shall be pending thereon, the warden may submit the same to the final determination of arbitrators to be approved by the inspectors.

SECTION 58. All convicts in the penitentiary shall be in the charge and custody of the warden who shall govern and employ them, in the manner that may be prescribed by law, the rules and regulations of the penitentiary, and in conformity to their respective sentences.

SECTION 59. No officer of the prison shall be concerned or interested, directly or indirectly, in any contract, purchase or sale, made on account of the penitentiary.

SECTION 60. The deputy warden, overseers, and watchmen shall perform such duties, in the charge and oversight of the penitentiary, the care of the property belonging thereto, and the custody, government, employment and discipline of the convicts as shall be required of them by the warden, in conformity to law, and the rules and regulations of the penitentiary.

SECTION 61. Whenever the office of warden shall be vacant, or the warden shall be absent from the penitentiary, or unable to perform the duties of his office, the deputy warden shall have all the powers, and perform all the duties, and shall be subject to all the obligations and liabilities of the warden.

SECTION 62. If the office of warden shall become vacant, the inspectors may require the deputy warden to give a bond in the sum of two thousand five hundred dollars with sufficient sureties, to be by them approved, with condition for the faithful performance of the duties incumbent on him as deputy warden and treasurer, until a warden shall be appointed; and from the time such bond shall be approved, the deputy shall receive the salary of the warden, in lieu of his former salary, as long as he shall perform the duties of the office. If the deputy warden shall not give such bond when required, the inspectors may remove him from office, and appoint a warden pro tempore, who shall give such a bond as was required of the deputy warden, and shall have the power and authority, and perform all the duties, and receive the salary, of the warden, until a warden shall be duly appointed and enter upon the discharge of the duties of his office.

SECTION 63. The physician shall visit the hospital of the penitentiary at least once in each day, and as much oftener as may be necessary; prescribe for convicts who are sick, and attend to the regimen, clothing and cleanliness of such of them as may be in the hospital.

SECTION 64. He shall keep a regular journal, which shall remain in the prison, of all admissions to the hospital, stating the time, the nature of the disease, with his prescriptions, and the treatment of each patient, and the time of his discharge from the hospital, or of his death. Said journal shall also contain regular entries of all orders which shall be given for supplies for the hospital department, specifying the articles ordered; all such orders shall be in writing and the warden shall provide the supplies so ordered.

SECTION 65. Whenever any convict shall complain of such illness as requires medical aid, notice thereof shall be given to the physician, who shall visit such convict, and if, in the opinion of the physician, the illness is such as to require his removal to the hospital, the warden shall order such removal, and the convict shall remain in the hospital until the physician shall determine that he may leave it without injury to his health.

SECTION 66. He shall cause any one infected by a contagious or infectious disorder to be separated from the other prisoners; and if two other licensed practitioners of physic shall certify, that the disease

is infectious, and that the prisoner cannot, without danger to the others, be kept within the walls of the prison, the warden shall make an order for his removal and confinement elsewhere, until he shall die or recover.

SECTION 67. The prisoners under the care of the physician, shall be allowed such diet as he shall direct.

SECTION. 68. The chaplain shall perform divine service in the penitentiary at least once every Sunday, instruct the prisoners in the duties of religion and morality; exhort them to repentance and amendment; shew them the folly and danger of vice; and encourage those who are imprisoned for a term of years with the hope of being reinstated in the good opinion of the world by a perseverance in the principles of honesty and the practice of industry. He shall also visit the sick on suitable occasions, and devote his whole time to the duties of his office.

SECTION. 69. It shall be the duty of the chaplain, whenever the minister of public instruction and the inspectors shall direct, to establish a school in the penitentiary, and to instruct such prisoners as the inspectors may select in reading, writing, arithmetic and book-keeping.

SECTION 70. Any school established in the penitentiary, shall be subject to such government, and to such rules and regulations, as the minister of public instruction, with the approval of the inspectors, shall determine.

SECTION 71. Any clergyman of any religious sect may be admitted to see any convict who may require his attendance, at proper and reasonable hours, under the direction of the warden.

#### OF THE TREATMENT OF THE PRISONERS IN THE PENITENTIARY.

##### OF THE RECEPTION OF THE CONVICTS.

SECTION 72. On the arrival of a convict, immediate notice shall be given to the physician, who shall examine the state of his health; he shall then be stripped of his clothes and clothed in the uniform of the prison being first if necessary, bathed and cleaned.

SECTION 73. The convict shall be examined by the warden and de-

puty warden; and his height, apparent and alleged age, complexion, color of hair and eyes, and length of his feet, shall be entered in a book provided for that purpose, together with such other natural or accidental marks or peculiarity of feature or appearance, as may serve to identify him; and if the convict can write, his signature shall be placed under the said description of his person.

SECTION 74. If the convict is not in such ill health as to require being sent to the hospital, he shall then be conducted to the cell assigned to him, where he shall be kept in solitude for forty-eight hours, interrupted only by the necessary attendance of the turnkey; and during this period, designed for reflection, neither books or employment of any kind shall be allowed him.

SECTION 75. On the third day the chaplain shall visit him in his cell, and shall endeavor to impress on his mind as well the wickedness as the danger of vicious and unlawful pursuits, and shall exhort him to obedience and industry during the term of his service, and urge the utility of acquiring an honest support by labor on his discharge. The warden shall then examine him, and put him to such labor as he shall deem fittest for, consulting his inclinations as well as his physical power.

OF THE LABOR OF THE CONVICTS.

SECTION 76. All convicts, sentenced to the punishment of hard labor in the penitentiary, shall be constantly employed for the public benefit; and no communication shall be allowed between them and any person not an officer of the prison. They shall be confined in separate cells in the night-time, and in the day-time all intercourse between them shall, as far as practicable, be prevented.

SECTION 77. From among the convicts who have not, before commitment worked at any trade, the warden shall select a sufficient number to perform the offices of preparing food, and other necessary attendance in the penitentiary. He shall prefer for this purpose those who have the shortest terms to serve; but all these shall be locked up in separate cells at night.

SECTION 78. If a convict has been used to any employment or trade that can be advantageously pursued, consistent with the rules and reg-

ulations of the prison, he shall be furnished with the implements of such trade and be allowed to employ himself at it.

SECTION 79. If the convict has not been bred to any trade, the warden shall employ him at such business as is best adapted to his habits of life and his strength, and not inconsistent with the prison rules and regulations.

SECTION 80. The warden may when necessary for the instruction of a prisoner in any business or trade, with the permission of the inspectors, employ a person of good character for that purpose, who shall at proper hours have access to such prisoner.

SECTION 81. The warden may with the consent of the inspectors, make contracts for the labor of the convicts or any of them with the mechanics and manufacturers ; but a condition of the contract shall be that the convicts shall be taught and employed in some useful trade ; and for that purpose a foreman or instructor, to be employed by the contractor, but approved by the warden and inspectors, shall be admitted within the enclosures adjoining the cells at consistent times during the hours of labor ; no such contract shall continue for a longer period than two years.

SECTION 82. At the dawn of day the convict shall be made to rise and to clear out his sleeping cell, which shall then be locked ; he shall then, after washing, commence his labor, which shall continue from the rising to an hour before the setting of the sun every day except Sunday, excepting one hour for breakfast and one hour for dinner. The supper shall be given when the work of the day is finished.

SECTION 83. All of the convicts shall be locked up in their separate cells before it is dark.

SECTION 84. Every convict who shall violate any of the rules or regulations of the prison shall be punished by solitary confinement or otherwise as the inspectors may direct ; and during such punishment shall be fed with bread and water only, unless the physician shall certify to the warden, that the health of such convict requires other diet.

#### OF THE CLOTHING AND DIET OF THE CONVICTS.

SECTION 85. The uniform of the prison shall be a jacket and trow-

ers suitable to the weather, and to the health of the prisoner. The form and color shall be determined by the inspectors.

SECTION 86. Each convict shall be allowed for his yearly clothing, one thick jacket, one thin jacket, one pair of thick trowsers, one pair of thin trowsers, three shirts, and two blankets, all which articles shall be of a coarse kind, but strong, substantial and comfortable.

SECTION 87. When it shall be necessary in the opinion of the warden, in order to prevent suffering, the warden may with the consent of the inspectors, given in writing, allow the convicts caps, beds and bedding, and may increase or diminish the yearly allowance of clothing, and as an inducement to industry and good behavior, allow the convicts some additional articles of clothing.

SECTION 88. The prison allowance of food shall be one pound of wheaten or indian corn bread, and one pound of poi or kalo each day; water shall be the only liquor allowed in the prison ration.

SECTION 89. Prisoners who labor and preserve the rules of the prison, shall be allowed in addition to the prison daily allowance, a gill of molasses, and four days in the week, one pound of beef or pork without bone, varied from salt to fresh as the warden may think best.

SECTION 90. The warden may furnish fish one day in the week instead of beef and pork; and sweet or irish potatoes, or other vegetables in the place of poi or kalo, whenever he may think best.

SECTION 91. Those prisoners whose industry and good behavior, entitle them to more than ordinary consideration may be indulged with a pint of vinegar and water sweetened with molasses once every day.

SECTION 92. The prisoner while confined to his cell without labor, is not to receive anything but the prison allowance, and those who disobey the rules and regulations of the prison shall be fed on bread and water only.

SECTION 93. No tobacco in any form shall be used by the convicts and any one who shall supply them with it, or with wine or any intoxicating liquor, shall be fined two hundred dollars for each offense, and if an officer, be dismissed.

## OF THE TREATMENT OF FEMALE CONVICTS.

SECTION 94. The female convicts shall be under the general charge of the warden, but their keepers and all other officers of the prison, connected with them, shall be, as far as may be practicable, females.

SECTION 95. The female convicts shall be kept entirely separate from the male convicts, and shall each be lodged in separate cells.

SECTION 96. Such of those confined for a term of years, as are capable, by their habits or strength, shall be selected to perform the domestic services of the female division, and for washing of the clothes for the men's department. Those so employed shall be kept under close inspection, and not suffered to have any conversation not relative to the business in which they are engaged.

SECTION 97. The others not so selected shall be employed in making mats, in sewing, or such other suitable occupations, as the warden and inspectors shall think best.

SECTION 98. The regulations above given with respect to diet are applicable to the female department.

SECTION 99. The dress for the female convicts shall be regulated by the warden with the approbation of the inspectors.

## OF VISITORS TO THE PENITENTIARY.

SECTION 100. No person who is not an official visitor of the prison, shall be allowed to visit the same, without the permission of the warden. The official visitors shall be the king, his ministers, the governors, and the judges of the supreme and superior courts, the marshal, members of the legislature, diplomatic and consular agents of foreign nations.

SECTION 101. None but official visitors can have any verbal or written communication with the convicts, nor shall any visitor whatever be permitted to deliver or receive from any of the convicts any letter or message whatever, or to supply any of them with any articles of any kind under the penalty of two hundred dollars fine.

SECTION 102. No male visitor shall visit the female convicts, but in the presence of the warden.



## OF THE DISCHARGE OF THE CONVICTS.

SECTION 103. The warden may pay to any convict, who shall, in his opinion, deserve it by his good conduct, on his discharge from prison, a sum not exceeding five dollars out of the treasury of the prison ; and no convict shall leave the penitentiary, without being furnished with decent clothing.

SECTION. 104. If the warden and chaplain have been satisfied with the morality, industry, and order of his conduct, they shall give him a certificate to that effect.

SECTION 105. Whenever a convict is discharged, the warden and chaplain shall enquire into his future prospects and designs, shall aid him in an endeavor to procure an honest support, and shall exhort him to perseverance in habits of industry.

SECTION 106. If the warden shall discover that any discharged convict, instead of seeking to maintain himself by labor, shall associate with the idle and profligate, he shall immediately proceed against him as a vagrant, according to the penal code.

## HOW THE PROPERTY OF THE CONVICTS SHALL BE DISPOSED OF.

SECTION 107. The same disposition shall be made of the estate of a person sentenced to imprisonment for life, as if he had died on the day sentence was pronounced, and any last will and testament or codicil he may have made prior to that time, shall take effect in the same manner as if he had died on that day.

SECTION 108. But no disposition of any estate, either by will or otherwise, after the arrest for crime, of which the prisoner was convicted, in the case of any crime whether the sentence is for life or otherwise, shall be valid against the claim of the person entitled to a suit for a private injury committed by the criminal, unless such disposition was made for a valuable and equivalent consideration to a person ignorant of the arrest.

SECTION 109. Whenever a convict is condemned to imprisonment for a term, less than for life, any judge of probate, may upon due application appoint a guardian to have the care and management of said convict's estate real and personal, during the term of his imprisonment. The letters of guardianship shall be revoked by the pardon or discharge of the convict ; but such revocation shall not invalidate legal acts done by the guardian.

SECTION 110. Every guardian so appointed for any convict, shall pay all just debts due from the convict, out of his personal estate, if sufficient, and if not, out of his real estate, upon obtaining license for the sale thereof, from any judge of probate ; he shall also settle all accounts of said convict, and demand, sue for, and receive all debts due to him, and may, with the approbation of the judge of probate, compound for the same and give a discharge to the debtor ; and he shall appear for and represent his ward, in all legal suits and proceedings, unless where another person is appointed for that purpose.

SECTION 111. Such guardian shall have all the rights and duties, as well as the responsibilities, respecting the management and disposal of the convict's estate, as appertain to the guardian of a minor or insane person. He shall manage the estate frugally and without waste, and apply the profits thereof, so far as may be necessary, for the comfortable and suitable maintenance of the convict's family, if there be any ; and if the profits shall be insufficient for that purpose he may sell the real estate, and apply the proceeds thereto, upon obtaining the license of the judge of probate.

SECTION 112. Such guardian may be removed whenever any judge of probate shall think there is just cause for removal, and another guardian appointed in his place.

SECTION 113. Every such guardian shall be allowed the amount of all his reasonable expenses, and he shall also have such compensation for his services, as the judge of probate before whom his accounts are settled shall consider to be just and reasonable.

SECTION 114. All property given, or in any manner whatever accruing to a convict in the penitentiary, shall rest in his guardian if he be sentenced for a term of years, to be disposed of in like manner with his other property ; or if he be sentenced for life, shall vest in his heirs.

Passed by the House of Representatives 14th of June, A. D. 1851.

WM. L. LEE, Speaker.

Passed by the House of Nobles, June 14th, 1851.

KEONI ANA, President.

Approved by the King, 4th day of August, 1851.

KAMEHAMEHA.

KEONI ANA.

## AN ACT

## FOR THE BETTER PREVENTION OF SMUGGLING.

WHEREAS, smuggling, to a considerable extent, is carried on at the different ports of this kingdom, to the injury of the public revenue and the detriment of fair traders; And whereas the laws, now in force, are not adequate to its prevention:

Therefore,

BE IT ENACTED by the Houses of Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled, in addition to the Act of 3rd April, 1846:

SECTION 1. Any master or owner of a vessel, or any consignee, or other person, who shall aid or assist, in any way, in the smuggling into this kingdom of any goods, wares, or merchandize, liable to a duty of not more than five per cent., *ad valorem*, shall be liable, in addition to the penalties prescribed in the existing laws, to a fine not exceeding five hundred dollars, or imprisonment, at hard labor, for a period not exceeding one year, in the discretion of the court; and all acts or parts of acts, laws, or parts of laws, at variance with this act, shall be, and the same are hereby repealed.

SECTION 2. This Act shall take effect from and after the date of its publication in the Polynesian Newspaper.

Passed by the House of Representatives, June 12th, A. D. 1851.

WM. L. LEE, Speaker.

Passed by the House of Nobles.

KEONI ANA, President.

Approved by the King, this 11th July, 1851.

KAMEHAMEHA.

KEONI ANA.

## AN ACT

TO PROVIDE FOR THE APPOINTMENT OF AGENTS TO SELL GOVERNMENT  
LANDS TO THE PEOPLE.

WHEREAS, many persons in the remote districts of the islands are entirely destitute of any land of their own; And whereas from their ignorance of the steps necessary to be taken to purchase lands, and their great distance from the seat of government, they are likely to remain destitute, while others not occupying or improving any land, are enabled to make large purchases:

Therefore—

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. The minister of the interior shall, upon the application of fifty persons resident in any district in which there are Government lands for sale, appoint a suitable agent for the sale of such lands to the natives resident in said district, or such other natives as may declare their intention to become permanent residents in such district, and occupy and improve a portion of such lands. Said agents shall be paid a reasonable compensation, for their services, in the discretion of the minister of the interior, out of the proceeds of sales of land.

SECTION 2. Every Agent appointed to sell lands in any district, shall have the power to sell such Government lands as may be placed in his hands by the Minister of the Interior for sale to the natives, in lots of from one to fifty acres, in fee simple, to such natives as may not be otherwise furnished with sufficient lands at a minimum price of fifty cents per acre.

SECTION 3. No such lands shall be sold by such Agent to any person not a settler in the district, unless he declare his intention of becoming a permanent resident on the land he desires to purchase: and no deed of the land shall be delivered, until the purchaser becomes a resident of the district.

SECTION 4. Every such agent shall procure the lands sold by him to be correctly surveyed; and he shall not forward any such survey to the minister of the interior to procure a royal patent to be executed for the land sold, until the purchaser shall have first deposited in the hands of said agent the purchase money of said lands, and the costs of the survey.

Passed by the House of Representatives, June 16th, A. D. 1851.

WM. L. LEE,  
Speaker.

Passed by the House of Nobles.

KEONI ANA, President.

Approved by the King, July 11th, 1851.

KAMEHAMEHA.

KEONI ANA.

## AN ACT

TO EXTEND THE JURISDICTIONS OF POLICE MAGISTRATES AND DISTRICT JUSTICES, OVER CASES OF SMUGGLING AND CONTRAVENTION OF THE LICENSE LAWS.

WHEREAS, the existing laws, placing cases of smuggling and contravention of the license laws of this kingdom, beyond the jurisdiction of police magistrates and district justices, are the cause of great delay in the administration of justice in these matters; And whereas, such delay has been the means of many wrong-doers escaping unpunished:

Therefore—

BE IT ENACTED by the *Houses of Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled*:

SECTION 1. That all cases of smuggling, of selling goods without license, and all other offenses against the license laws of this kingdom, shall be, and are hereby placed under the jurisdiction of the respective police, magistrates and district justices, who shall upon conviction impose upon the wrong-doer the fines and penalties prescribed in the existing laws, without the intervention of a jury.

SECTION 2. That in cases where an appeal is taken from the decision of a police magistrate or district justice, in one of the cases named in the preceding section, it shall be incumbent upon them to demand and receive at the hands of appellant, the amount of costs and fine or a bond for the payment of the same, signed by at least two good and sufficient sureties.

SECTION 3. That all acts, parts of acts, laws and parts of laws contrary to this act, shall be, and are hereby repealed.

SECTION 4. That this act shall take effect from the day of its publication in the Elele and Polynesian newspapers.

Passed by the House of Representatives, June 16th, A. D. 1851.  
WM. L. LEE, Speaker.

Passed by the House of Nobles.

KEONI ANA, President.

Approved by the King, July 11th, 1851.

KAMEHAMEHA.

KEONI ANA.

## AN ACT

TO ESTABLISH A CART ROAD FROM KAWAIHAE TO HAMAKUA, ON THE ISLAND OF HAWAII.

*Be it enacted by the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. The minister of the interior shall cause to be constructed, as soon as practicable, a good and sufficient cart road from Kawaihae beach to Waimea, and from thence to some point intersecting the government road leading from Waipio valley to Hilo, within one mile of the church at Eleio in the district of Hamakua, island of Hawaii.

SECTION 2. The route of said cart road, shall be that of the public road at present travelled from the beach at Kawaihae, until it reaches the round hill called Puukanikanihia, near the French Mission lands at Puukapu, and shall be continued from thence, through the woods Puukapu and other lands, along the present route of either the Mahiki road, or the Aiku road, or otherwise, as the minister of the interior may direct, to a point near the church at Eleio, as set forth in the first section.

SECTION 3. Said road, where it passes through wooded lands, shall be at least twenty feet in width, and a ditch of at least three feet in depth and three feet in width, shall be cut on each side of it.

SECTION 4. The sum of two thousand dollars is hereby appropriated for the construction of said road, out of the general appropriation for roads and bridges, for the current year.

Passed by the House of Representatives June 17th, A. D. 1851.

WM. L. LEE, Speaker.

Passed by the House of Nobles.

KEONI ANA, President.

Approved by the King, July 11th, 1851.

KAMEHAMEHA.

KEONI ANA.



## AN ACT

TO PROVIDE FOR THE MORE EFFICIENT MANAGEMENT OF THE PUBLIC  
SCHOOLS.

WHEREAS, it is the right of parents, as far as possible, to have a voice in the management of schools, wherein their own children are educated : and whereas the exercise of this right will be likely, not only to prevent arbitrary dictation on the part of school inspectors, but increase the interest that all parents should feel in the public schools :

Therefore—

*Be it enacted by the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. It shall be lawful for all the fathers or guardians of the children connected with any public school in this kingdom, to meet on the last Monday in December of each year, and elect by ballot, a plurality deciding, from their own number, a local committee of two trustees, being subjects of His Majesty the King, whose duties and privileges shall be the same as those of the school sub-agents, or lunakulas heretofore; and in addition to co-operate with the school inspector of the district in carrying into effect the school laws, and whose sanction shall be necessary to the validity of a teacher's license, to his dismissal from office for any cause, and to the agreement for his wages.

SECTION 2. It shall be the duty of the district justice, or his deputy, to preside at the election aforesaid, and report the result immediately to the school inspector of the district.

SECTION 3. It shall be lawful for the district justice nearest to any of the schools aforesaid, on a written complaint of any ten legal voters in the district, against any of the said trustees, on account of immorality, neglect of duty, or general unfitness for his office, to insti-

tute an investigation of the same, without charge, and on sufficient evidence, depose the accused trustee from office, and cause a new election to be had as aforesaid, giving five days previous notice to the parents concerned.

SECTION 4. Should the place of any of the above trustees become vacant by resignation, death or any other cause, his place may be filled by a new election, as aforesaid in section first, the district justice giving five days notice of the same before the time appointed.

SECTION 5. In case of disagreement between the school inspector and the said trustees, each party shall have the right of appeal to the minister of public instruction, and through him to His Majesty in Privy Council, whose decision in each case shall be final.

Passed by the House of Representatives, June 17th, A. D. 1851.

WM. L. LEE, Speaker.

Passed by the House of Nobles.

KEONI ANA, President.

Approved by the King, this 11th July, 1851.

KAMEHAMEHA.

KEONI ANA.

## AN ACT

TRANSFERRING THE REGISTRATION OF MARRIAGES, BIRTHS, AND DEATHS,  
FROM THE OFFICE OF THE MINISTER OF THE INTERIOR, TO THAT OF THE  
MINISTER OF PUBLIC INSTRUCTION.

WHEREAS, the registration of marriages, births and deaths, is now required by law to be made, both to the minister of the interior, and the minister of public instruction, which creates confusion in reports, and unnecessary labor; and whereas the same be longs, more naturally, to the latter than to the former.

Therefore—

BE IT ENACTED *by the Houses of Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. That from and after the passage of this act, all acts, or parts of acts heretofore requiring the reports of marriages, births, and deaths to be made to the minister of the interior be and they are hereby abrogated, and all such reports are hereby required to be made to the minister of public instruction.

SECTION 2. It shall be the duty of the several governors, during every six months, to cause to be proclaimed throughout all the districts of their several islands, by public crier, or otherwise, the duty imposed upon parents of young infants, by "Section 12, Chapter 4, Part 1, of the law to organize the executive departments," to notify the governor of the island of the birth of the same; and after such proclamation to cause the penalty provided in said section, to be inflicted on delinquent parents. Provided, that such notice may be given to the registers of births and deaths, in each district, of whose appointment due notice shall be given by said governor.

SECTION 3. It shall be the duty of the minister of public instruction, through the several governors, to appoint a suitable number of agents, in all the districts of the islands, to grant licenses to marry agreeably to the laws; which agents shall be also registers of births

and deaths, and shall be entitled to a fee of 25 cents, to be paid by the party applying, for each license to marry granted according to law. Provided, that any such agent who shall charge more than this amount for any such license, or shall receive a bribe for the same, shall be liable to a fine of fifty dollars, on conviction before any police or district justice of this kingdom.

SECTION 4. It shall be the duty of the minister of public instruction, through the governors, to furnish the agents aforesaid with the necessary blanks for said licenses and registers, and it shall be their duty at the close of each year, to transmit a copy of all licenses granted during the year, to the governor of the island, retaining also a copy in their own possession; said governor shall preserve a record of the same, and report the number of such licenses to marry to the minister of public instruction.

SECTION 5. This act shall become a law of the land, on the day of its publication in the Polynesian newspaper.

Passed by the House of Representatives, June 17th, A. D. 1851.

WM. L. LEE, Speaker.

Passed by the House of Nobles.

KEONI ANA, President.

Approved by the King, this 11th July, 1851.

KAMEHAMEHA.

KEONI ANA.

## AN ACT

TO CREATE AND REGULATE A POST OFFICE IN HONOLULU.

WHEREAS, the 15th article of the treaty with the United States renders indispensable the establishment of a post office in Honolulu :

WHEREAS the public interest urgently requires greater regularity in the postal intercourse between Honolulu and San Francisco ; and whereas the service of the post office cannot be performed without adequate remuneration :

Therefore—

BE IT ENACTED *by the Houses of Nobles and Representatives in Legislative Council assembled :*

SECTION 1. There shall be established a post office in Honolulu, and for the time being the Polynesian office is declared to be the post office.

SECTION 2. The duties of the postmaster shall be performed by some person to be appointed and compensated by, and subject to removal at the pleasure of the minister of the interior.

SECTION 3. The postmaster shall charge the following rates of postage to and from this kingdom, viz :—five cents for every single letter, weighing less than half an ounce forwarded to, or received from any foreign port, and on packets weighing half an ounce, and under one ounce, ten cents, and five cents for every additional half ounce.

Two cents on each newspaper, price current, printed circular or other printed paper (not being a pamphlet), provided that it shall not be unlawful for editors to reciprocate post free with foreign editors.

Two and a half cents for every sheet of all pamphlets.

SECTION 4. The captains, commanders, masters or pursers of vessels, for bringing mails from foreign ports and delivering them at the post office shall be entitled to receive from the postmaster the following

remuneration, viz :—two cents on each letter, one cent on each newspaper, or pamphlet ; and the receipt of the captain shall be a valid voucher to the postmaster in discharge of so much of his receipts.

SECTION 5. It shall be the duty of the postmaster on the anchorage of any vessel in the outer roads, known to have a mail on board, to send off to such vessel and bring the mail on shore with the least possible delay, and it shall be lawful for him to hire a boat for that purpose when necessary.

SECTION 6. It shall be the duty of all vessels anchored in the outer roads, and having on board mails, which they cannot deliver at the post office in one hour, to hoist their ensign at the fore, and to keep it flying until the post office boat, with a red flag, having the letters P. O. in white thereon, is discovered coming off.

SECTION 7. The delivery of mails from vessels having contagious diseases on board, is subject to such quarantine rules as may be established on the recommendation of the board of health.

SECTION 8. All masters, captains or supercargoes of coasting vessels shall receive and deliver the inter-island mails at the post office hereby established under the same penalties and liabilities as are now fixed for receiving and delivering the same at the custom house in Honolulu.

SECTION 9. The outward postage on all foreign letters, newspapers and pamphlets shall in all cases be prepaid.

SECTION 10. The postmaster is hereby authorized to issue stamps of the value of the outward postage of letters, pamphlets and newspapers.

SECTION 11. This act shall take effect immediately after the publication in the Polynesian and Elele newspapers.

Passed by the House of Representatives, June 18th, A. D. 1851.

WM. L. LEE, Speaker.

Passed by the House of Nobles, June 18th, 1851.

KEONI ANA, President.

Approved by the King, 4th day of August, 1851.

KAMEHAMEHA.

KEONI ANA.

## AN ACT

## REGULATING GUARDIANS AND WARDS.

WHEREAS, by the common law of this kingdom guardians have, from time immemorial, possessed and exercise the absolute right to dispose of the real and personal estate of their wards, as might suit their own will, and whereas it is proper that the rights of guardians should be abridged and more clearly defined :

Therefore :—

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in legislative council assembled :*

SECTION 1. That any judge of the superior court of law and equity, when it shall appear to him necessary or convenient, may appoint guardians to minors and others, being inhabitants of or residents in any part of this kingdom, or who may reside without this kingdom, and and have any estate within the same.

SECTION 2. Any circuit judge of this kingdom may, when it shall appear to him necessary or convenient, appoint guardians to minors and others, being inhabitants of or residents in the island in which he is a judge.

SECTION 3. If the minor is under the age of thirteen years, the judge of probate may nominate and appoint his guardian, and if he is above the age of thirteen years, he may nominate his own guardian, who, if approved of by the judge, shall be appointed accordingly, and if the guardian, nominated by such minor shall not be approved by the judge, or if the minor shall reside without this kingdom, or if after being cited by the judge, he shall neglect to nominate a suitable person, the judge may nominate and appoint the guardian, in the same manner, as if the minor were under the age of thirteen years.

SECTION 4. Every guardian, appointed as aforesaid, shall have the custody and tuition of the minor and the care and management of

his estate, and shall continue in office, until the minor shall arrive at the age of twenty years, or until the guardian shall be discharged according to law ; provided, however, that the father of the minor if living, and in case of his death, the mother, while she remains unmarried, being themselves respectively competent to transact their own business, shall be entitled to the custody of the person of the minor, and to the care of his education.

SECTION 5. Every such guardian shall give bond, with surety or sureties, to the judge of probate, in such sum as the judge shall order, with conditions as follows :—

First to make a true inventory of all the real estate, and all the goods, chattels, rights and credits of the ward, that shall come to his possession or knowledge, and to return the same into the probate court at such times as the judge shall order :

Secondly, to dispose of and manage all such estate and effects according to law, and for the best interest of the ward, and faithfully to discharge his trust in relation thereto, and also in relation to the custody, education and maintenance of the ward :

Thirdly, to render an account on oath of the property in his hands, including the proceeds of all real estate sold by him, and of the management and disposition of all such property, within one year after his appointment, and at such other times as the judge of probate shall direct :

Fourthly, at the expiration of his trust, to settle his accounts with the judge of probate, or with the ward, or his legal representatives, and to pay over and deliver all the estate and effects, remaining in his hands, or due from him on such settlement, to the person or persons who shall be lawfully entitled thereto.

SECTION 6. Every father may, by his last will in writing, appoint a guardian or guardians for any of his children, whether born at the time of making the will or afterwards, to continue during the minority of the child, or for any less time, and every such testamentary guardian shall have the same powers, and shall perform the same duties, with regard to the person and the estate of the ward as a guardian appointed the judge of probate.

SECTION 7. Every such testamentary guardian shall give bond in



like manner and with like condition, as is before required of a guardian appointed by the judge of probate, provided that when the testator, in the will appointing the guardian, shall have ordered or requested that such bond shall not be given, the bond shall not be required, unless from a change in the situation or circumstances of the guardian, or for other sufficient cause the judge of probate shall think proper to require it.

SECTION 8. Nothing contained in this act, shall impair or affect the power of any judge of the superior court or circuit court to appoint a guardian to defend the interests of any minor impleaded in such court, or interested in any suit or matter there pending, nor their power to appoint or allow any person as next friend for a minor, to commence, prosecute or defend any suit in his behalf.

SECTION 9. When the relations or friends of any insane person shall apply to any of the judges hereinbefore mentioned, to have a guardian appointed for him, the judge shall cause notice to be given to the supposed insane person of the time and place appointed for hearing the case, not less than fourteen days before the time so appointed, and if after a full hearing, it shall appear to the judge that the person in question is incapable of taking care of himself, the judge shall appoint a guardian of his person and estate, with the powers and duties hereinafter specified.

SECTION 10. Every guardian, so appointed for an insane person, shall have the care and custody of the person of the ward, and management of all his estate, until the guardian shall be legally discharged, and he shall give bond to the judge appointing him, in like manner and with the like condition, as is before prescribed with respect to the guardian of a minor, excepting that the provision relating to the education of the ward, shall be omitted in the condition of the bond.

SECTION 11. When any person by excessive drinking, gaming, idleness or debauchery of any kind, shall so spend, waste or lessen his estate as to expose himself or his family to want or suffering, his friends or relations may present a complaint to any of the judges hereinbefore mentioned setting forth the facts and circumstances of the case, and praying to have a guardian appointed for him.

SECTION 12. The judges shall cause notice to be given to such sup-

posed spendthrift, of the time and place appointed for hearing the case, not less than fourteen days before the time so appointed ; and if, after a full hearing, it shall appear to the judge that the person complained of comes within the description contained in Section 11, he shall appoint a guardian of his person and estate, with the powers and duties hereinafter specified.

SECTION 13. After the order of notice has been issued, the complainants may cause a copy of the complaint, with the order of notice, to be filed in the office of the registrar of conveyances, and if a guardian shall be appointed upon such application, all contracts excepting for necessaries, and all gifts, sales, or transfers of real or personal estate, made by such spendthrift after such filing of the complaint in the registry of conveyances, and before the termination of the guardianship, shall be null and void.

SECTION 14. When a guardian shall be appointed for an insane person or spendthrift, the judge shall make an allowance, to be paid by the guardian, for all reasonable expenses incurred by the ward in defending himself against the complaint.

SECTION 15. Every guardian, so appointed for a spendthrift, shall have the care and custody of the person of the ward, and the management of all his estate, until the guardian shall be legally discharged, and he shall give bond to the judge appointing him, in like manner and with the like condition, as is before directed with respect to the guardian of an insane person.

SECTION 16. Every guardian appointed under the provisions of this act, whether for a minor or any other person, shall pay all just debts due from the ward, out of his personal estate, if sufficient, and if not, out of his real estate, upon obtaining a license for the sale thereof, as hereinafter provided ; he shall also settle the accounts of the ward, and demand, sue for, and receive all debts due to him, or may, with the approbation of any of the judges hereinbefore specified, compound for the same, and give a discharge to the debtor, upon receiving a fair and just dividend of his estate and effects, and he shall appear for and represent his ward, in all legal suits and proceedings, unless where another person is appointed for that purpose, as guardian or next friend.

SECTION 17. The guardian shall also manage the estate of the ward frugally and without waste, and apply the income and profits thereof, so far as may be necessary, for the comfortable and suitable maintenance and support of the ward and his family, if there be any ; and if the income and profits shall be insufficient for that purpose, the guardian may sell the real estate, upon obtaining a license therefor as provided by law, and shall apply the proceeds of such sale, so far as may be necessary, for the maintenance and support of the ward and his family.

SECTION 18. The guardian may join in, and assent to a partition of the real estate of the ward, either upon a petition for partition, or otherwise ; and he may assign and set out dower in the said estate to any widow entitled thereto, and may appoint an appraiser of real estate on any execution either against or in favor of his ward.

SECTION 19. Upon the taking of any inventory, required by this act, the estate and effects comprised therein shall be appraised by three suitable persons, to be appointed and sworn by the judge ; and every guardian shall account for, and dispose of the personal estate of the ward, as directed by the judge.

SECTION 20. When any guardian appointed either by a testator or by any of the judges hereinbefore mentioned, shall become insane or otherwise incapable of discharging his trust, or evidently unsuitable therefor, any of said judges after notice to such guardian, and to all others interested, may remove him ; and every guardian may, upon his request, be allowed to resign his trust, when it shall appear to the judge proper to allow the same ; and upon every such resignation or removal, and also upon the death of any guardian, the judge of probate may appoint another in his stead.

SECTION 21. The marriage of any female, who is under guardianship as a minor, shall operate as a legal discharge to her guardian ; and the guardian of any insane person or spendthrift may be discharged by any judge of probate, when it shall appear to him, on the application of the ward or otherwise, that such guardianship is no longer necessary.

SECTION 22. Any court of probate may require a new bond to be

given by any guardian, and may discharge the existing sureties from future responsibility, whenever such court shall deem it proper so to do.

SECTION 23. Any bond given by a guardian may be put in suit by order of a judge of probate, for the use and benefit of the ward or of any person interested in his estate.

SECTION 24. No action shall be maintained against the sureties in any bond, given by a guardian, unless it be commenced within four years from the time when this act shall take effect, or within four years from the time when the guardian shall be discharged, provided, that if at the time of such discharge, the person entitled to bring such action, shall be out of the kingdom, the action may be commenced at any time within four years after his return to the kingdom.

SECTION 25. Upon complaint made to a judge of probate by any guardian, or by the ward, or by any creditor or other person interested in the estate, or by any persons having claims thereto in expectancy as heir or otherwise, against any one suspected of having concealed, embezzled, or conveyed away any of the money, goods or effects of the ward, the judge may cite and examine such suspected person, and proceed with him as to such charge, in the same manner as with persons suspected of concealing or embezzling the effects of a deceased testator or intestate.

SECTION 26. When any minor or other person liable to be put under guardianship, according to the provisions of this act, shall reside without this kingdom, and shall have any estate therein, any friend of such person, or any one interested in his estate, in expectancy or otherwise, may apply to any judge of the superior court of law and equity and after notice to all persons interested, to be given in such a manner as the judge shall order, and after a full hearing, and examination, if it shall appear to him proper, he may appoint a guardian for such absent person.

SECTION 27. Every guardian appointed according to the provisions of section 26, shall have the same powers and duties, with respect to any estate of the ward, that shall be found within the kingdom, and also with respect to the person of the ward, if he shall come to reside therein, as are prescribed with respect to any other guardian, appointed under this act.

SECTION 28. Every such guardian shall give bond to the judge appointing him, in like manner and with the like conditions as is above provided with respect to other guardians ; excepting that the provisions respecting the inventory, the disposal of the estate and effects, and the account to be rendered by the guardians, shall be confined to such estate and effects, as shall come to his hands in this kingdom, and that the provisions respecting the custody of the ward, shall not be applicable, unless the ward shall come to reside within this kingdom.

SECTION 29. Every guardian shall be allowed the amount of all his reasonable expenses, incurred in the execution of his trust, and he shall also have such compensation for his services, as the court, in which his accounts are settled, shall consider to be just and reasonable.

SECTION 30. When an account is rendered by two or more joint guardians, the court may in its discretion allow the same, upon the oath of any one of them.

SECTION 31. The words "insane person," are intended to include every idiot, noncompos, lunatic, and distracted person, and the word "spendthrift" is intended to include every one who is liable to be put under guardianship, on account of excessive drinking, gaming, idleness, or debauchery ; and these words shall be so construed in all the provisions relating to guardians and wards, contained in this or any other statute.

SECTION 32. When the income of the estate of any person under guardianship, whether as a minor, insane person, or spendthrift, shall be insufficient to maintain the ward and his family, his guardian may sell his real estate for that purpose, upon obtaining a license therefor, and proceeding therein in the manner hereinafter provided.

SECTION 33. When it shall appear upon the representation of any such guardian, that it would be for the benefit of his ward that his real estate or any part thereof, should be sold, and the proceeds thereof be put on interest, or invested in some productive stock, his guardian may sell the same accordingly, upon obtaining a license therefor, and proceeding therein as hereinafter provided.

SECTION 34. If the estate is sold for the maintenance of the ward and his family, as provided in the 32nd section, the guardian shall apply the proceeds of the sale to that purpose, as far as necessary, and shall put out the residue, if any, on interest, or invest it in the best manner in his power, until the capital shall be wanted for the maintenance of the ward and his family, in which case the capital may be used for that purpose, as far as may be necessary, in like manner as if it had been personal estate of the ward.

SECTION 35. If the estate is sold, in order to put out and invest the proceeds, as provided in the 33d section, the guardian shall make the investment according to his best judgment, or in pursuance of any order that may be made relating thereto, by the court granting him the license to sell.

SECTION 36. In every case of the sale of real estate, as provided in this act, the residue of the proceeds, if any, remaining upon the final settlement of the accounts of the guardianship, shall be considered as real estate of the ward, and shall be disposed of among the same persons, and in the same proportions, as the real estate would have been, if it had not been sold.

SECTION 37. Such license, in either of the cases aforesaid, may be granted by any judge of the superior court of law and equity, or by any circuit judge of the island in which the estate intended to be sold lies ; but in cases where the ward resides without this kingdom, such license shall be granted only by a judge of the superior court of law and equity.

SECTION 38. In order to obtain such license, the guardian shall present to the court a petition, setting forth the condition of the estate and the facts and circumstances on which the petition is founded, tending to show the necessity or expediency of a sale ; and if after a full examination, on the oath of the petitioner, or otherwise, it shall appear to the court, either that it is necessary, or that it would be for the benefit of the ward, that the real estate or any part of it should be sold, the court may grant a license therefor, specifying therein, whether the sale is to be made for the maintenance of the ward and his family, or in order that the proceeds may be put out and invested as aforesaid.

SECTION 39. No such license shall be granted until notice by public advertisement or otherwise, as the court shall order, shall have been given to the next of kin of the ward, and to all persons interested in the estate, to appear and show cause why the same should not be granted.

SECTION 40. Every guardian licensed, to sell real estate as aforesaid, shall, before the sale, give bond to the judge granting the license with sufficient surety or sureties, with condition to sell the same in the manner prescribed by the judge, and to account for and dispose of the proceeds of the sale, in the manner provided by law.

SECTION 41. Such guardian shall also, before fixing on the time and place of sale, take and subscribe an oath in substance as follows ; that in disposing of the estate which he is licensed to sell, he will use his best judgment, in fixing on the time and place of sale, and that he will exert his utmost endeavors to dispose of the same, in such manner as will be most for the advantage of all persons interested therein.

SECTION 42. He shall also give public notice of the time and place of sale, by causing notifications thereof to be posted up in the most public places, on the island where the estate to be sold is, and if it be on the island of Oahu, he shall also cause a notice of such sale to be published in the Polynesian newspaper, at least fourteen days previous to the day of sale.

SECTION 43. A copy of such notification certified by the oath of the guardian, or of the person employed by him to give such notice, being made before any judge of probate, and filed in his office, within one year after the sale, shall be admitted as evidence of the time, place, and manner of giving notice.

SECTION 44. No license granted in pursuance with this act, shall be in force for more than one year after the time of granting the same.

SECTION 45. When any minor, insane person, or spendthrift, residing without this kingdom, shall be put under guardianship in the country in which he resides, and shall have no guardian appointed in this kingdom, the foreign guardian may file an authenticated copy of his appointment, in the superior court of law and equity, after which he may be licensed by any judge of the said court to sell the real es-

tate of the ward in any part of this kingdom, in the same manner and on the same terms and conditions, as are prescribed in this act, in the case of a guardian appointed in this kingdom, excepting, in the particulars hereinafter mentioned.

SECTION 46. Every foreign guardian, so licensed to sell real estate, shall take and subscribe the oath, required in like case of guardians appointed in this kingdom, and shall give notice of the time and place of sale, and conduct the same in the manner prescribed for guardians appointed here, and may perpetuate the evidence of the notice in the same manner.

SECTION 47. All the proceedings required to be had in any probate court in this kingdom, respecting such sale by a foreign guardian, shall be had in the superior court of law and equity.

SECTION 48. Upon every such sale by a foreign guardian, the proceeds of the sale or as much thereof as may remain upon the final settlement of the accounts of the guardianship, shall be considered as real estate of the ward, and shall be disposed of among the same persons, and in the same proportions, as the real estate would have been, according to the laws of this kingdom, if it had not been sold; and the foreign guardian shall in every case, before making the sale, give bond, with such sufficient surety or sureties, to the judge granting the license to sell, with condition to account for and dispose of the same accordingly.

SECTION 49. If any person shall appear and object to the granting of any license prayed for under the provisions of this act, and if it shall appear to the court or judge, that either the petition, or the objection thereto, is unreasonable, they may in their discretion, award costs for the party prevailing in the case.

SECTION 50. No action for the recovery of any estate, sold by a guardian under the provisions of this act, shall be maintained by the ward, or by any person claiming under him, unless it be commenced within five years next after the termination of the guardianship; and no entry shall be made, unless by judgment of law, upon any lands sold as aforesaid, with a view to avoid the sale, after the expiration of the said five years; excepting only, that persons out of the state and



minors and others under any legal disability to sue at the time when the right of action or of entry shall first accrue, may commence their action or make their entry, at any time within five years after the removal of the disability, or after their return to this kingdom.

SECTION 51. In case of an action relating to any estate, sold by a guardian, under the provisions of this chapter, in which the ward, or any person claiming under him, shall contest the validity of the sale, the same shall not be avoided on account of any irregularity in the proceedings, provided it shall appear :

First, that the guardian was licensed to make the sale, by a judge of competent jurisdiction.

Secondly, that he gave a bond, which was approved by the judge of probate, in case any bond were required by the court, upon granting the license.

Thirdly, that he took the oath prescribed in this act.

Fourthly, that he gave notice of the time and place of the sale, as prescribed herein.

Fifthly, that the premises were sold accordingly by public auction, and are held by one who purchased them in good faith.

SECTION 52. If in relation to such sale, there should be any neglect or misconduct in the proceedings of the guardian, by which any person interested in the estate shall suffer damage, such aggrieved party may recover compensation therefor, in a suit on the guardianship bond or otherwise, as the case may require.

SECTION 53. If the validity of any sale, made by a guardian under the provisions of this act, shall be drawn in question, by any person claiming adversely to the title of the ward, or claiming under any title, that is not derived from or through the ward, the sale shall not be held void, on account of any irregularity in the proceedings, provided it shall appear that the guardian was licensed to make the sale, by a judge of competent jurisdiction and that he did accordingly execute and acknowledge, in legal form, a deed for the conveyance of the premises.

SECTION 54. All sales, exchanges, transfers, gifts, and conveyances of any estate or portion of an estate of any ward of this kingdom, which may have been made by any guardian of such ward, previous

to the passage of this act, shall be, and the same are hereby confirmed as legal and valid.

SECTION 55. This act shall take effect and become a law of the land, from and after the day of its passage, and it shall be as soon as possible thereafter, published in the Polynesian and Elele newspapers.

Passed by the House of Representatives, June 18th, A. D. 1851.

WM. L. LEE, Speaker.

Passed by the House of Nobles, June 18th, 1851.

KEONI ANA, President.

Approved by the King, 4th day of August, 1851.

KAMEHAMEHA.

KEONI ANA.

## AN ACT

TO ABOLISH THE NECESSITY OF PROCURING CERTAIN AGREEMENTS, AND OTHER DOCUMENTS, TO BE STAMPED AND RECORDED.

WHEREAS, the present laws relating to the stamping and recording of certain instruments in writing, are oppressive to the people residing in the remote portions of the islands, often defeating the ends of justice, and absurd in practice ; and whereas, the strict enforcement of those laws would overturn most of the business transactions of the kingdom :

Therefore :

BE IT ENACTED *by the Houses of Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. That so much of section 1, article 2, chapter 1, part 1, of an act entitled "an act to organize the executive departments of the Hawaiian Islands," as requires a public stamp to be impressed upon all bills of sale of chattel property, between private individuals ; all agreements not to be performed within a year and a day ; all articles of co-partnership ; all powers of attorney, executed in the kingdom ; all process of courts of Judicature, throughout the kingdom ; all exhibits, required by law, to be made by private individuals ; all petitions to the minister of the interior ; all letters testamentary of administration, letters of guardianship, and inventories of property ; all wills and testaments ; and all enlargements and extensions, in any way affecting the rights and interests of private persons throughout the kingdom shall be, and is, hereby, repealed.

SECTION 2. It shall not be necessary to enter of record with the registrar of conveyances, any instrument not required to be stamped, as provided in the preceding section ; and all acts, or parts of acts, requiring any such instrument to be recorded, or acknowledged and recorded before it shall have validity, or binding effect, or before any

court shall take judicial cognizance thereof, shall be, and the same are hereby repealed.

SECTION 3. This act shall take effect from and after the day of its passage.

Passed by the House of Representatives, June 16th, A. D. 1851.

WM. L. LEE, Speaker.

Passed by the House of Nobles.

KEONI ANA, President.

Approved by the King, this 11th July, 1851.

KAMEHAMEHA.

KEONI ANA.

## AN ACT

## RELATING TO CATS AND DOGS.

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :*

SECTION 1. That all laws of this kingdom imposing any tax on cats be and the same are hereby repealed.

SECTION 2. The tax of one dollar on dogs shall remain ; and if any dog shall injure or destroy any sheep or cattle, goats, hogs, fowls or other property belonging to any person other than the owner of such dog, the owner shall be liable in damages to the person injured, for the value of the property so injured or destroyed, and it shall be the duty of the owner to confine or destroy such dog, and if he neglect or refuse to do so, he shall in event of any further damage being done to the person or property of any person, by such dog, in addition to paying the person injured or such damage, pay the cost of the trial, together with a fine of ten dollars or in default of the payment of such fine, be imprisoned at hard labor for the term of thirty days, and it shall be lawful for any other person to destroy said dog.

Passed by the House of Representatives, June 18th, A. D. 1851.

WM. L. LEE, Speaker.

Passed by the House of Nobles.

KEONI ANA, President.

Approved by the King, this 11th July, 1851.

KAMEHAMEHA.

KEONI ANA.

## AN ACT

RELATING TO THE DISTRICT ATTORNEYS.

BE IT ENACTED *by the Houses of Nobles and Representatives in Legislative Council assembled :*

SECTION 1. The district attorneys of this kingdom shall respectively reside in the districts for which they are appointed, and keep offices at the seats of justice for their respective districts.

SECTION 2. The district attorneys shall, within their respective districts, appear for the crown or government in the supreme court, in the superior court of law and equity, in the circuit courts, and when requested by the sheriff or any justice, in the police and district courts, in all cases, criminal or civil, in which the crown or government may be a party, or be interested.

SECTION 3. They shall also, within their respective districts, be vigilant and active in detecting criminals, and all offenders against the revenue laws, or the laws relating to licenses, and prosecute the same with diligence. It shall also be their imperative duty to prosecute the parties to bonds given upon the enlistment of natives on board foreign vessels, immediately after the violation thereof; and hereafter, every such bond shall be deposited with the district attorney, in whose district the same is executed, within ten days after its execution. It shall also be their duty, within their respective districts to enforce all other bonds, notes, or other instruments, that may be placed in their hands for that purpose, by any of the king's ministers, or governors, or by any judicial or executive officer.

SECTION 4. When any one shall obstruct any street, channel, harbor, wharf or other highway, or public place, or obstruct or divert any stream or public water course, or commit any trespass or waste on any portion of the public domain or other government property, as by

the cutting down of prohibited trees, or the removal of stone, coral, sand, or other property of the government, pertaining thereto, the said district attorneys, within their respective districts, shall prosecute the offender with diligence, first, however, taking the advice of the governor of their respective districts, when convenient.

SECTION 5. The said district attorneys, shall, without charge, at all times when called upon, give advice and counsel to the ministers, governors, the marshal, sheriffs, collectors, justices and other public officers, within their respective districts, in all matters connected with their public duties, and otherwise aid and assist them in every way requisite to enable them to perform those duties faithfully.

SECTION 6. It shall also be the duty of the said district attorneys to give counsel and aid to the poor and oppressed natives, within their respective districts, and to assist them in obtaining their just rights, without charge, provided however, that they shall not be obliged to render such aid, counsel and assistance, unless requested so to do by the King, or by some one of the King's ministers or governors.

SECTION 7. The said district attorneys, whenever requested so to do by the chief justice of the superior court, shall visit the several townships or apanas, or any of them in their respective districts, and discharge such official duties as may be required of them, relating to the administration of justice.

SECTION 8. The said district attorneys shall severally, on or before the first Monday of January in each year, make reports to the chief justice of the superior court, setting forth particularly the amount and kind of official business done by them respectively, in each district, in the year preceding, the number of persons prosecuted, the crimes and misdemeanors for which such prosecutions were had, the results thereof, and the punishments awarded against any person convicted thereon ; and generally, they shall present in said reports, plain and particular statements of the criminal business of their respective districts. To enable them to make such reports, it shall be the duty of the district justices and other public officers, whenever requested so to do, to furnish them with such information in relation thereto, as they may possess.

SECTION 9. None of the said district attorneys shall receive any fee or reward from, or in behalf of, any person or prosecutor, for services in any prosecution or business, to which it shall be their official duty to attend ; nor be concerned as counsel or attorney for either party, in any civil action depending upon the same state of facts.

SECTION 10. They shall severally hold their offices, for the term of two years from the date of their respective commissions, unless sooner removed by the judges of the superior court.

SECTION 11 They shall severally account with the minister of finance, every three months, for all fees, bills of costs, fines, penalties and other moneys received by them by virtue of their offices.

SECTION 12. The district attorney for the first judicial district shall, when required, give his opinion upon questions of law submitted to him by the king, either branch of the Legislature, the governor of Oahu, or the head of any department.

SECTION 13. The district attorneys for the first and second judicial districts shall each receive a salary of fifteen hundred dollars a year ; and the district attorneys of the third and fourth judicial districts, shall each receive such compensation as may be determined by the judges of the superior court, which shall be paid to them, severally, out of the public treasury, in equal quarterly payments, in full for all services rendered by them.

SECTION 14. This act shall take effect from the day of its publication in the Polynesian newspaper.

Passed by the House of Representatives, June 18, 1851.

WM. L. LEE. Speaker.

Passed by the House of Nobles, June 18, 1851.

KEONI ANA, President.

Approved by the King, July 11th, 1851.

KAMEHAMEHA.

KEONI ANA.



## AN ACT

TO GRANT TO THE PEOPLE THE FREE USE OF THE DRIFTWOOD.

WHEREAS, several places in this kingdom, particularly the island of Niihau, are destitute of wood, and the people are suffering for want of the same :

Therefore :—

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :*

All wood of any description which hereafter may drift on to the beach of either one of the Islands, shall be the property of the finder, and any one finding such drift-wood may take the same for his own private use, without paying a share to the Government.

Passed by the House of Representatives, June 18th, A. D. 1851.

WM. L. LEE, Speaker.

Passed by the House of Nobles.

KEONI ANA, President.

Approved by the King, July 11th, 1851.

KAMEHAMEHA.

KEONI ANA.

## AN ACT

TO PROVIDE FOR THE APPOINTMENT OF AN ADDITIONAL CIRCUIT  
JUDGE FOR THE ISLAND OF HAWAII.

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. There shall be appointed, as soon after the passage of this act as may be convenient, a third circuit judge for the third judicial district.

SECTION 2. The said local circuit judge shall be appointed in the same manner, shall have the like powers, and perform the like duties, under the same responsibility as the other local circuit judges of the said third judicial district.

SECTION 3. The said three local circuit judges shall reside at Hilo, Kealakeakua and Waimea, respectively, or at such other places near thereto as the Governor of Hawaii may approve of.

SECTION 4. The pay of the local circuit judge provided for in this act, shall be such as His Majesty the King in Privy Council shall determine.

SECTION 5. This act shall take effect, and become a law from and after the date of its publication in the "Polynesian" newspaper.

Passed by the House of Representatives June 18th, A. D. 1851.

WM. L. LEE, Speaker.

Passed by the House of Nobles.

KEONI ANA, President.

Approved by the King, July 11th, 1851.

KAMEHAMEHA.

KEONI ANA.

## AN ACT

TO ASSIST THE ROYAL HAWAIIAN AGRICULTURAL SOCIETY

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. That whenever the Royal Hawaiian Agricultural Society shall have raised, by contribution of individuals, the sum of five hundred dollars, to be appropriated in the granting of premiums, or otherwise, for the encouragement of agriculture, or the improvement of the breeds of stock, within this kingdom, the treasurer of said society, on presenting satisfactory evidence of that fact to the minister of the interior, shall be entitled to receive at his Majesty's treasury, the like sum of five hundred dollars, to be added to the funds of said society ; provided that the said society shall not receive from the treasury more than five hundred dollars in any one year.

SECTION 2. The said society shall, under penalty of forfeiting the grant mentioned in the foregoing section, furnish the minister of the interior, annually, in the month of January, with a true statement of the amount raised by the said society from private contributions, or other sources, during the year immediately preceding ; also with a correct statement, in detail, of the expenditures of said society, in premiums or otherwise during the same period.

SECTION 3. This act shall take effect from and after the date of its passage.

Passed by the House of Representatives, June 18, 1851.

WM. L. LEE, Speaker.

Passed by the House of Nobles.

KEONI ANA, President.

Approved by the King, July 11th, 1851.

KAMEHAMEHA.

KEONI ANA.

## AN ACT

TO PROVIDE FOR THE EDUCATION OF THE CHILDREN OF FOREIGNERS, AND THOSE OF FOREIGN EXTRACTION IN THE CITY OF HONOLULU, AND OTHER PLACES IN THE KINGDOM.

WHEREAS, the number of children of foreign parentage is rapidly increasing in Honolulu, and some other places on these Islands, who are destined to exert a great influence, for good or evil, on the community ; and whereas, no provision has been made by law for their education in English as well as the Hawaiian language, both of which have become necessary to men of business on these Islands.

Therefore :—

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. Every foreign resident or male person of foreign parentage, of legal age, residing or doing business in the city of Honolulu, who shall have been a resident in this kingdom for one year or more, shall pay to the King's Minister of Finance, as a distinct school tax, on or before the first Monday in January, of each year, the sum of three dollars for every individual without children under legal age — and five dollars for every individual having one or more children, under legal age, the avails of such tax to be disposed of as hereinafter provided.

SECTION 2. It shall be lawful for all persons liable to the tax above-mentioned, to assemble at such place, in Honolulu, as the king's minister of public instruction shall designate, on the last Monday in December of each year, and elect by ballot, from their own number, a committee of five persons, to be called "the school committee of Honolulu," who shall have power to discharge the duties hereinafter imposed upon them.

SECTION 3. It shall be the duty of the police justice of Honolulu, the marshal, and the collector-general of customs, to preside at the aforesaid election—and in other school districts, of such three persons as the minister of public instruction shall designate, and it shall be the duty of said officers of elections, to report the result of the same to the minister of public instruction within ten days after this election shall have closed.

SECTION 4. The "school committee of Honolulu" shall have power to provide schools for the instruction of all the children, between the ages of four and fourteen years, of persons subject to the above tax, in such branches and under such regulations as they may deem proper, a majority deciding all questions, and they shall have power to superintend the general interests of the schools under their care to make their own bye-laws, not conflicting with the laws of this kingdom, and to draw on the minister of finance, for the full amount of the tax aforesaid, for erecting or hiring school houses, employing teachers, procuring books and apparatus, and defraying such incidental expenses as may by them be deemed necessary, for carrying out the design of this act. Provided, that no person of immoral character shall be employed by said school committee, as a school teacher.

SECTION 5. Three members of the said school committee shall be necessary at any meeting to constitute a quorum for the transaction of business, and it shall be the duty of the committee to keep a record of their proceedings from time to time, which shall be open to the inspection of any person paying the aforesaid school tax, and also to that of the Legislature.

SECTION 6. The said school committee of Honolulu shall be authorized to take into consideration the appeal of any person who may feel himself oppressed by the aforesaid tax, on account of his poverty, and on their written recommendation, the minister of finance shall have power to exempt such person from a part or the whole of said tax, as may be recommended.

SECTION 7. It shall be the duty of said school committee to make a full report, annually, of their proceedings to the king's government, through his minister of public instruction, one month previous to the meeting of the legislature.

SECTION 8. The king's minister of public instruction shall be, ex-officio, a member of the aforesaid school-committee.

SECTION 9. The receipts and disbursements of the tax imposed in Section 1, shall constitute a distinct item in the annual report of the minister of finance.

SECTION 10. The provisions of this act shall extend to all school districts of this kingdom, in which the king's minister of public instruction shall ascertain that there are twenty-five children of foreign extraction between the ages of four and fourteen years, so situated as to be conveniently collected into a school. Provided, that in such districts the minister of finance and public instruction may appoint deputies to act for them, who shall be accountable to them.

SECTION 11. It shall be lawful for the board of finance, on application of the school committee, or committees provided for by this act, or of the king's minister of public instruction in behalf of other English schools, than those provided in this act, to make special grants, out of any surplus portion of the revenue of such sums as they may deem proper, for the more complete execution of the design of this act, and for the promotion of English education on the islands.

Passed by the House of Representatives, June 18, 1851.

WM. L. LEE, Speaker.

Passed by the House of Nobles.

KEONI ANA, President.

Approved by the King, July 11th, 1851.

KAMEHAMEHA.

KEONI ANA.

## AN ACT

## IN REGARD TO THE CENSUS.

WHEREAS, no definite time has been specified in the laws for making a census of the Islands ; nor do the laws provide for defraying the expenses thereof :

Therefore :

BE IT ENACTED *by the Houses of Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. That pursuant to Section 3, chapter 6, part 4, of the "Act to organize the executive departments," it shall be the duty of the minister of public instruction, to make a complete census of the inhabitants of the islands, during every third year, commencing with the year one thousand eight hundred and fifty three.

SECTION 2. Pursuant to Section 4, of the chapter aforesaid, the board of finance is authorized to make a special appropriation, out of any portion of the King's revenue, not otherwise appropriated, to cover the necessary expenses of making said triennial census.

SECTION 3. This act shall take effect from and after the date of its publication in the Polynesian and Elele newspapers.

Passed by the House of Representatives, June 18, 1851.

WM. L. LEE, Speaker.

Passed by the House of Nobles.

KEONI ANA, President.

Approved by the King, July 11th, 1851.

KAMEHAMEHA.

KEONI ANA.

## AN ACT

TO AMEND THE LAW RELATING TO APPEALS IN CASES TRIED BEFORE THE  
DISTRICT JUSTICES.

WHEREAS, owing to the high costs of appeals in cases tried before the district justices of the kingdom, the people suffer great trouble and injustice :

Therefore :—

BE IT ENACTED *by the Houses of Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :*

SECTION 1. Any party deeming himself aggrieved by the decision of any district justice, in any case, whether civil or criminal, may appeal therefrom to any local circuit judge at Chambers, by giving notice of his appeal within ten days after the rendering of such decision, and by paying the costs accrued within twenty days after said decision, provided, always, that no hearing shall be had until the costs of the trial before the district justices are first paid.

SECTION 2. Any party deeming himself aggrieved by the decision of any local circuit judge, in any case whether civil or criminal, may take an appeal therefrom to the superior court, or to the circuit court, of the district in which he resides, and have a trial by jury, by giving notice of such appeal within ten days after the rendering of such decision; and within thirty days thereafter paying the costs accrued before the local circuit judge, and depositing a good and sufficient bond in the penal sum of fifty dollars, conditioned for the costs further to accrue, in case he is defeated or found guilty in the court above.

SECTION 3. This act shall take effect from the day of its publication



in the Elele newspaper ; and all laws or parts of laws, in contravention of this act, shall be and the same are hereby repealed.

Passed by the House of Representatives, June 19, 1851.

WM. L. LEE, Speaker.

Passed by the House of Nobles.

KEONI ANA, President.

Approved by the King, July 11th, 1851.

KAMEHAMEHA.

KEONI ANA.

## AN ACT

TO AMEND AN ACT ENTITLED "AN ACT RELATING TO THE LABOR TAX ON ROADS AND LIKE PUBLIC WORKS."

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

SECTION 1. That the people at the time and place fixed for the election of representatives to sit in the legislative council; shall elect by ballot in the same manner that representatives are, a road supervisor, in each of their respective districts, who shall hold his office for one year from the date of his election, provided always that in case of the death or resignation of any supervisor so elected, a new election shall be held as before.

SECTION 2. The road supervisors, within their respective districts, shall have the direction of the public labor on roads, bridges, and all public highways, but shall lay out no new road or shut up any old road, without first calling a meeting of those persons, who are subject to the road tax in their respective districts, by giving five days public notice of the time and place of said meeting, and taking their voice on the propriety of the measure. This voice, whether for, or against the measure proposed, shall be obeyed.

SECTION 3. The said supervisors shall collect and disburse all road taxes, within their respective districts; and no portion of said tax shall be expended in any other district, except with the consent of the people of the district, expressed in public meeting, called as provided in the preceding section.

SECTION 4. Every person who is liable to the road tax by the existing laws shall be liable to the labor tax, on roads in the district where he is found on the labor day appointed by the inspector for that district unless he be provided with a certificate from some road inspector,

that he has already performed his labor or paid his commutation for the current year in some other district.

SECTION 5. Nothing in this act contained shall be construed to include persons who are really sick, or aged persons exempt from the labor tax, or boys under sixteen years of age as liable to the road tax.

SECTION 6. The said supervisors, within their respective districts, shall have the power to sue for, and collect by execution, all unpaid road taxes; and on or before the first Monday of January in each year, shall give a faithful account to the governors of their respective islands, of all the monies collected by them, and the manner in which those monies have been expended.

SECTION 7. The said supervisors shall be under the general direction of the minister of the interior, and shall receive such equitable compensation, to be paid out of the public treasury, as the governors of their respective islands may determine, and which shall be approved by the aforesaid minister.

SECTION 8. The said supervisors shall have the power to appoint lunas under them, for their respective districts, not exceeding five in number, whose duty it shall be to carry into effect the instructions of said supervisors, in their respective neighborhoods; and whose only compensation shall be exemption from road labor or road tax.

SECTION 9. It shall not be lawful for any road supervisor to compel the people of any neighborhood, to go more than five miles beyond their residence, to labor on any road, unless by a vote of the people of the district, expressed in public meeting; called as provided in the second section of this act.

SECTION 10. The said road supervisors shall have power to draw on the minister of finance for all monies appropriated by the legislature for the roads of their respective districts, and to expend the same, accounting therefor to the minister of finance through the governors of their respective islands.

SECTION 11. All monies appropriated by the legislature for any particular road running between places situated in different districts, shall

be drawn for, and expended by, the minister of the interior, through his clerk of the bureau of internal improvements.

SECTION 12. The commutation for the road tax of domestic servants and laborers on plantations, shall be the same as that paid by other persons, namely, fifty cents per day.

SECTION 13. All laws or parts of laws inconsistent with this act, shall be, and the same are, hereby repealed.

SECTION 14. This act shall take effect on the 1st day of December next.

Passed by the House of Representatives, June 19, 1851.

WM. L. LEE, Speaker.

Passed by the House of Nobles.

KĒONI ANA, President.

Approved by the King, this 11th July, 1851.

KAMEHAMEHA.

KĒONI ANA.

## AN ACT

TRANSFERRING TO THE COURTS OF JUSTICE THE JUDICIAL POWERS OF  
THE TAX GATHERERS.

WHEREAS, the tax gatherers are called upon to decide in many intricate and important cases, and as they have not any legal authority to enforce their decisions, since no executive judicial officers are bound by the laws to execute their process :

Therefore :

BE IT ENACTED by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled :

SECTION 1. That hereafter all cases of oppression or of difficulties arising between landlord konohikis and makaainanas which have been heretofore tried by the tax-gatherers shall in future be tried by the ordinary courts of justice, which shall pronounce judgment and enforce it, as in all other civil or criminal cases under their jurisdiction.

SECTION 2. If any government officer, landlord, konohiki, or other officer shall be found guilty of oppression or extortion, he shall be punished according to the 20th chapter of the penal code.

SECTION 3. Appeal may be taken by either party who may consider himself aggrieved by the decision of the judge by conforming to the ordinary requirements of the law in cases of appeal.

SECTION 4. This law to take effect from the day of its being published in the Polynesian and Elele newspapers.

Passed by the House of Representatives, June 10th, 1851.

WM. L. LEE, Speaker.

Passed by the House of Nobles, June 18th, 1851.

KEONI ANA, President.

Approved by the King, 4th day of August, 1851.

KAMEHAMEHA.

KEONI ANA.

## AN ACT

RELATING TO THE SECRETARY OF THE BOARD OF COMMISSIONERS TO QUIET  
LAND TITLES.

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

That from and after the date of the passage of this act, the secretary of the board of commissioners to quiet land titles, shall have power, and he is hereby empowered, to sue for and recover, before any of the police or district justices of this kingdom, all costs of adjudication or survey now due, or which may hereafter become due to said board, on any claim to land submitted to them for adjudication ; and the said secretary is hereby required to prosecute with all due diligence, for all such unpaid costs.

Passed by the House of Representatives, June 19th, 1851.

WM. L. LEE. Speaker.

Passed by the House of Nobles, June 19th, 1851.

KEONI ANA, President.

Approved by the King, July 11th, 1851.

KAMEHAMEHA.

KEONI ANA.

## AN ACT

TO AMEND AN ACT ENTITLED "AN ACT RELATING TO THE ENLISTMENT OF  
NATIVE SAILORS."

BE IT ENACTED *by the Nobles and Representatives of the Hawaiian  
Islands, in Legislative Council assembled :*

SECTION 1. That section 4th of the act entitled "an act for the en-  
listment of native sailors," passed on the 6th day of August, A. D,  
1850, shall be, and the same is hereby amended to read as follows :

"That no part of the money required to be paid as prescribed in  
section 2, nor any portion whatever of the expenses of shipping, dis-  
charging, or paying off native sailors, either before a foreign consul,  
or otherwise, shall be paid by them, or be deducted from the wages  
due them, from the ship, but shall be paid wholly by the master."

SECTION 2. This act shall take effect from and after the date of its  
passage.

Passed by the House of Representatives, June 19th, 1851.

WM. L. LEE, Speaker.

Passed by the House of Nobles.

KEONI ANA, President.

Approved by the King, July 11th 1851.

KAMEHAMEHA.

KEONI ANA.

## AN ACT

TO PROVIDE FOR LIGHTS FOR THE HARBOR OF HONOLULU.

Whereas the harbor master and pilots of Honolulu have recommended the construction of lights, as a guide to vessels approaching the harbor in the night ;

Therefore—

BE IT ENACTED by the *Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled* :

SECTION 1. The minister of the interior, with the approbation of the King and privy council, is hereby empowered to construct a light house on the promontory commonly known as Diamond Hill or Leahi, of such description and with such number and kind of lights as they may approve ; he is also empowered, with the like approbation, to construct a light house, or to moor a light boat, as the privy council shall decide, and of such description as they shall approve, near the mouth of the channel of Honolulu harbor.

SECTION 2. The minister of the interior is hereby authorized to draw upon His Majesty's treasury, for such sum or sums as may be approved of by the board of finance, as sufficient to complete the construction and for the maintenance of said lights.

SECTION 3. The collector of customs of Honolulu is hereby required to collect from all foreign vessels, and Hawaiian vessels coming from foreign ports, and anchoring in either the inner harbor or the roadstead of Honolulu, the sum of three dollars each, for the use and maintenance of said lights.



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Passed by the House of Representatives, June, 20th, A. D. 1851.

WM. L. LEE, Speaker:

Passed by the House of Nobles.

KEONI ANA, President.

Approved by the King, July 11th, 1851.

KAMEHAMEHA.

KEONI ANA.

## AN ACT

TO AMEND AN ACT GRANTING TO THE COMMON PEOPLE, ALLODIAL TITLES  
FOR THEIR OWN LANDS AND HOUSE LOTS, AND CERTAIN  
OTHER PRIVILEGES.

WHEREAS many difficulties and complaints have arisen, from the bad feeling existing on account of the konohiki's forbidding the tenant's on the lands enjoying the benefits that have been by law given them:

Therefore :

BE IT ENACTED *by the Houses of Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

SECTION 1. That the 7th section, page 203, of the act granting to the common people allodial titles for their own lands and house lots and certain other privileges, shall be amended as follows :

The words, "should they need them" and "they shall also inform the landlord or his agent, and proceed with his consent" and also the words "should they need them," be struck out, and the section read as follows :

When the landlords have taken allodial titles to their lands, the people on each of their lands, shall not be deprived of the right to take firewood, house timber, aho cord, thatch, or ti leaf, from the land on which they live, for their own private use, but they shall not have a right to take such articles to sell for profit. The people shall also have a right to drinking water, and running water, and the right of way. The springs of water, running water, and roads shall be free to all, on all lands granted in fee simple. Provided that this shall not be applicable to wells and water courses which individuals have made for their own use.

SECTION 2. This law shall be in force from the day on which it is published in the "Polynesian" and "Elele" newspapers.

Passed by the House of Representatives, June 20, 1851.

WM. L. LEE, Speaker.

Passed by the House of Nobles.

KEONI ANA, President.

Approved by the King, July 11th, 1851.

KAMEHAMEHA.

KEONI ANA.

## AN ACT

TO TRANSFER THE SEAT OF JUSTICE FOR THE ISLAND OF KAUAI, FROM  
HANALEI TO NAWILIWILI, ON THAT ISLAND.

BE IT ENACTED *by the Houses of Nobles and Representatives of the Ha-  
waiian Islands in Legislative Council assembled :*

That the seat of justice for the Island of Kauai, shall be, and the  
same is hereby transferred, from Hanalei, to Nawiliwili, on that  
Island.

Passed by the House of Representatives, June 18th, A. D. 1851.

WM. L. LEE, Speaker.

Passed by the House of Nobles.

KEONI ANA, President.

Approved by the King, July 11th, 1851.

KAMEHAMEHA.

KEONI ANA.

## RESOLUTIONS

TO AMEND THE LAW RELATING TO THE LICENSE OF PUBLIC AUCTIONEERS, PASSED BY THE KING IN PRIVY COUNCIL.

SECTION 1. The minister of the interior may, at any time license for the term of one year, one or more suitable persons, being Hawaiian subjects, in each island to be public auctioneers within the respective islands for which they receive their licenses.

SECTION 2. The price of an auctioneer's license for the island of Oahu, shall be one thousand dollars; for the island of Maui two hundred and fifty dollars; for any other island such a per centage on the sales made, as the minister of the interior shall deem reasonable, not to exceed two per cent.

SECTION 3. Nothing contained in any law relating to public auctioneers, shall extend to or affect sales made by marshal, sheriffs, constables, pound masters, collectors of taxes, executors, administrators, guardians, and such like persons, as are required by law, to sell any real or personal estate by public auction.

SECTION 4. No license shall remain in force for more than one year from the date thereof.

SECTION 5. The first, second, third, and fourth sections of article fourth, chapter second, part first, of the second act of Kamehameha III., which article is entitled, "of public auctioneers," is hereby repealed; but this repeal shall in no wise affect such auctioneers' licenses as are now in force.

SECTION 6. These resolutions shall be published in the Polynesian, and go into effect on the first day of January, A. D. 1850. They shall remain in force and be the law of the land, subject to the confirmation or annulment of the next Legislature.

Passed at the council chamber in Honolulu, this 21st day of December, 1849, and signed by the king and premier.

Confirmed by the House of Representatives, June 20th, A. D. 1851.

WM. L. LEE, Speaker.

Confirmed by the House of Nobles.

KEONI ANA, President.

KAMEHAMEHA.

KEONI ANA.

## RESOLUTION

OF BOTH HOUSES OF THE LEGISLATURE RESPECTING A  
REVIEW OF THE CONSTITUTION.

BE IT RESOLVED *by the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled :*

That three commissioners be appointed, one to be chosen by the king, one by the house of nobles, and one by the house of representatives, whose duty it shall be to revise the constitution of the kingdom, and on or before December next to issue public notice of the change which they recommend, and submit the same to the consideration of the next legislature that it may pass upon the changes proposed, agreeably with the constitution as it now exists.

Passed by the House of Representatives, June 20th, 1850.

WM. L. LEE, Speaker.

Passed by the House of Nobles.

KEONI ANA, President.

Approved by the King, June 20th, 1851.

KAMEHAMEHA.

KEONI ANA.

## JOINT RESOLUTION.

BE IT RESOLVED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:*

That, in the sense of this house, the demands of France are so clearly unjust, and contrary to the laws of nations and to treaty ; and the course pursued by her is so incompatible with the existence of a regular independent government in these islands ; if France should persist in such a course, it will be the duty of the king to shield himself and his kingdom from insult and oppression, by placing this kingdom under the protection of some friendly state, and that should such emergency be so urgent as not to admit of the legislative council being convened, it shall be left to His Majesty, by and with the advice of his privy council, under such emergency, to consult the honor and safety of his kingdom, according to His Majesty's best judgment : and that whatever he may so do, will be binding upon the nation.

Passed both Houses of the Legislature, June 21, 1851.

WM. L. LEE,  
Speaker of the House of Representatives.

KEONI ANA,  
President, of the House of Nobles.

Approved by the King, August 4th, 1851.

KAMEHAMEHA.

KEONI ANA.



## RESOLUTION

FORBIDDING THE RETAIL OF INTOXICATING LIQUORS AT ANY  
OTHER PLACE EXCEPT HONOLULU.

WHEREAS, there have been numerous applications from places other than Honolulu for licenses to retail spirituous liquors :

AND WHEREAS, it is feared that greater evil would grow out of such licenses on other islands :

Therefore ;

BE IT RESOLVED *by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled.*

That after the passage of this resolution, it shall not be lawful to grant licenses for the retail of spirituous liquors, including all wines and other intoxicating drinks, at any other place in the kingdom than Honolulu.

Passed by the House of Representatives, June 20th 1851.

WM. L. LEE, Speaker.

Passed by the House of Nobles.

KEONI ANA, President.

Approved by the King, June 20th 1851.

KAMEHAMEHA.

KEONI ANA.

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| Minister of interior to appoint - - -  | 1    |      | 52    |
| To sell to natives - - - - -   | 2    |      | 52    |
| To sell only to residents - - - - -  | 3    |      | 52    |
| To cause lands sold to be surveyed -   | 4    |      | 52    |
| <b>AGRIGULTURAL SOCIETY,</b>   |      |      |       |
| To have five hundred dollars from treasury, upon conditions - - - - -  | 1    |      | 83    |
| To forfeit same, if they do not furnish statement - - - - -  | 2    |      | 83    |
| <b>APPEAL,</b>   |      |      |       |
| From district justices - - - - -   | 1    |      | 88    |

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| <b>APPEAL—Continued.</b>   |      |      |       |
| From circuit judges - - - -  |      | 2    | 88    |
| From judges—of persons convicted of oppression - - - -                         |      | 3    | 88    |
| <b>ALLODIAL TITLES,</b>  |      |      |       |
| Law relating thereto - - - -   |      | 1    | 98    |
| <b>AUCTIONEERS,</b>  |      |      |       |
| To be licensed by minister of interior -                                       |      | 1    | 101   |
| Price of licenses - - - -  |      | 2    | 101   |
| License of, not to affect sales by marshal or other officers - - - -           |      | 3    | 101   |
| B  |      |      |       |
| <b>BADGES OF OFFICE,</b>   |      |      |       |
| Of fire department - - - -   | 4    | 1    | 9     |
| <b>BOARD OF HEALTH,</b>  |      |      |       |
| Officers of - - - -  |      | 1    | 12    |
| To elect officers - - - -  |      | 2    | 12    |
| Duty of executive committee - - - -  |      | 3    | 12    |
| Duty of marshal to - - - -   |      | 4    | 13    |
| Orders of, to be made in writing - - - -                                       |      | 5    | 13    |
| To frame rules of quarantine - - - -   |      | 6    | 13    |
| Duties of members - - - -  |      | 7    | 13    |
| To remove diseased persons - - - -   |      | 10   | 13    |
| To report contagious diseases to the government - - - -                        |      | 11   | 13    |
| To elect physicians to attend - - - -  |      | 12   | 14    |
| In certain cases to cause notice of contagious disease - - - -                 |      | 13   | 14    |
| In certain cases to be supplied with provisions and necessaries - - - -        |      | 15   | 14    |
| To report of the health of city - - - -  |      | 18   | 15    |
| To make regulations for their duties - - - -                                   |      | 19   | 15    |
| <b>BIRTHS,</b>   |      |      |       |
| To be reported to minister of public instruction - - - -                       |      | 1    | 50    |
| <b>BOARD OF FINANCE,</b>   |      |      |       |
| To make special grants to English schools - - - -                              |      | 11   | 86    |
| To make appropriation for census - - - -                                       |      | 2    | 87    |
| C  |      |      |       |
| <b>CENSUS,</b>   |      |      |       |
| To be made every third year, - - - -   |      | 1    | 87    |
| <b>CHAPLAIN OF PENITENTIARY,</b>   |      |      |       |
| To perform service, - - - -  |      | 68   | 44    |
| To establish school under direction of minister of public instruction, - - - - |      | 69   | 44    |
| <b>CHIEF ENGINEER,</b>   |      |      |       |
| Appointment of - - - -   |      | 1    | 2     |
| Terms of office, - - - -   |      | 1    | 4     |
| Duties of, - - - -   |      | 2    | 1     |
| To disband Fire Co. - - - -  |      | 4    | 2     |
|  |      |      | 8     |

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| <b>CIRCUIT JUDGE,</b>  |      |      |       |
| A third one to be appointed for third district                             | 1    |      | 82    |
| Duties same as other local circuit judges                                  | 2    |      | 82    |
| Places of residence of   | 3    |      | 82    |
| Salary of to be fixed by the King  | 4    |      | 82    |
| Appeal from  | 2    |      | 88    |
| <b>CLERGYMEN,</b>  |      |      |       |
| To visit prisoners in penitentiary upon their request,                     | 71   |      | 44    |
| <b>CLERK OF THE MARKET,</b>  | 2    |      | 16    |
| Appointed by the Governor,   | 2    | 1    | 16    |
| To give a bond,  | 2    | 2    | 16    |
| To collect rents,  | 2    | 3    | 16    |
| To collect fees,   | 2    | 3    | 17    |
| To remove dirt,  | 2    | 4    | 17    |
| To ring bell,  | 2    | 5    | 17    |
| To assign land adjacent to market to sellers,                              | 2    | 6    | 17    |
| To locate articles sold,   | 2    | 7    | 17    |
| His decisions in certain cases to be reviewed by governor,                 | 2    | 8    | 17    |
| Duty to inspect weights,   | 2    | 9    | 17    |
| To prevent defacing market,  | 2    | 11   | 18    |
| Duty to attend at market,  | 2    | 12   | 18    |
| To report violations of law,   | 2    | 13   | 18    |
| Salary,  | 2    | 14   | 18    |
| To designate uses and purposes of portions of market,                      | 3    | 1    | 19    |
| To collect daily rent,   | 3    | 2    | 19    |
| <b>COLLECTOR OF CUSTOMS,</b>   |      |      |       |
| To collect dues for lights,  | 3    |      | 96    |
| <b>CONSTABLES,</b>   |      |      |       |
| Duties in fire department  | 4    | 2    | 9     |
| <b>CONSTITUTION,</b>   |      |      |       |
| Resolution relating to   | 1    |      | 108   |
| <b>CLERK OF HOUSE OF REPRESENTATIVES,</b>                                  |      |      |       |
| To give notice of vacancies to inspectors of elections,                    | 3    |      | 21    |
| <b>CONVICTS,</b>   |      |      |       |
| To be in charge of warden of penitentiary,                                 | 58   |      | 42    |
| To be allowed diet prescribed by physicians                                | 67   |      | 44    |
| On arrival at penitentiary to be cleansed and dressed in uniform           | 72   |      | 44    |
| Description to be entered of record  | 73   |      | 44    |
| To be sent to solitary confinement for 48 hours on arrival at penitentiary | 74   |      | 44    |
| On third day to labor  | 75   |      | 44    |
| Shall be constantly employed for public good                               | 76   |      | 44    |
| Cooks to be selected from those who have                                   |      |      |       |

| CONVICTS— <i>Continued.</i>   | ART.       | SEC. | PAGE. |
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| not trades - - - - -  |            | 77   | 44    |
| To be allowed, if practicable, to work at trade - - - - -   |            | 78   | 45    |
| If they have no trade, to be employed to best advantage - - - - -   |            | 79   | 46    |
| To be instructed in trade - - - - -   |            | 80   | 46    |
| Labor of, may be contracted for - - - - -   |            | 81   | 46    |
| To cleanse cells at dawn of day and labor from the rising to an hour before setting of sun, excepting two hours - - - - - |            | 82   | 46    |
| To be locked up before dark - - - - -   |            | 83   | 46    |
| Violating rules of penitentiary punished - - - - -  |            | 84   | 46    |
| Uniform of - - - - -  |            | 85   | 46    |
| Yearly allowance of clothing - - - - -  |            | 86   | 47    |
| May be allowed extra by warden - - - - -  |            | 87   | 47    |
| Allowance of food to - - - - -  |            | 88   | 47    |
| Extra allowance for good behavior - - - - -   |            | 89   | 47    |
| Vinegar and molasses allowed for merit - - - - -  |            | 91   | 47    |
| Who disobey to be fed on bread and water - - - - -  |            | 92   | 47    |
| Not to use tobacco or spirits - - - - -   |            | 93   | 47    |
| <b>FEMALES,</b>   |            |      |       |
| Keepers, to be females - - - - -  |            | 94   | 48    |
| To be kept separate from males - - - - -  |            | 95   | 48    |
| Sentenced for two years, to do domestic services of their division - - - - -  |            | 96   | 48    |
| Others, to be employed otherwise - - - - -  |            | 97   | 48    |
| Diet same as males - - - - -  |            | 98   | 48    |
| Dress to be regulated by wardens - - - - -  |            | 99   | 48    |
| Discharge of - - - - -  | 103 to 106 |      | 49    |
| Property of, how disposed of, - - - - -   | 107 to 114 |      | 49    |

## D.

**DEAD BODIES,**

|   |    |    |
|---|----|----|
| Not to be buried in city - - - - -  | 16 | 14 |
| Of persons murdered not to be buried without certificate of marshal - - - - - | 17 | 15 |

**DISTRICT JUSTICES,**

|  |   |    |
|--|---|----|
| Jurisdiction over persons violating law relating to fish - - - - -         | 4 | 26 |
| To arrest persons violating law relating to public shows - - - - -         | 3 | 27 |
| To impose penalties for violating law relating to letting horses - - - - - | 9 | 31 |
| To preside at elections of trustees of schools - - - - -                   | 2 | 57 |
| To depose trustees upon complaint - - - - -                                | 3 | 57 |
| To give notice of election to fill vacancies - - - - -                     | 4 | 58 |
| Appeals from - - - - -   | 1 | 88 |
| To try cases heretofore tried by tax-gatherers - - - - -                   | 1 | 93 |

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| DRIIFT WOOD,  |      |        |       |
| To belong to finder - - - -   | 1    |        | 81    |
| DEATHS,   |      |        |       |
| To be reported to minister of public instruction - - - -  | 1    |        | 59    |
| DOGS,   |      |        |       |
| Destroying sheep or cattle, owner liable  | 2    |        | 77    |
| DISTRICT ATTORNEYS,   |      |        |       |
| To reside in their districts - - - -  | 1    |        | 78    |
| To appear for crown - - - -   | 2    |        | 78    |
| To discharge other duties - - - -   | 3    |        | 78    |
| To prosecute trespasses on government lands - - - -   | 4    |        | 78    |
| To give advice to officers without charge   | 5    |        | 79    |
| To give counsel to the poor at request of the King or his ministers - - - -                       | 6    |        | 79    |
| To discharge certain duties at request of chief Justice - - - -                                   | 7    |        | 79    |
| To report first Monday in January - - - -   | 8    |        | 79    |
| To receive no fees from parties interested in criminal causes - - - -                             | 9    |        | 80    |
| To hold office for two years - - - -  | 10   |        | 80    |
| To account to minister of finance - - - -   | 11   |        | 80    |
| To give opinion at at request of the King, the legislature or the heads of any department - - - - | 12   |        | 80    |
| Salaries of - - - -   | 13   |        | 80    |
|   | E.   |        |       |
| ENGLISH SCHOOLS - - - -   |      |        | 84    |
| EXTORTION,  |      |        |       |
| How punished - - - -  | 2    |        | 93    |
|   | F.   |        |       |
| FIRE DEPARTMENT,  |      |        |       |
| Officers of - - - -   | 1    | 1      | 5     |
| " WARDENS,  |      |        |       |
| Appointment of - - - -  | 1    | 3      | 5     |
| Terms of office - - - -   | 1    | 4      | 5     |
| Duties of, if Engineer absent - - - -   | 2    | 2      | 6     |
| General duties - - - -  | 3    | 1 to 4 | 6,7   |
| FIREMEN,  |      |        |       |
| Their duties - - - -  | 4    | 1      | 8     |
| FISH,   |      |        |       |
| Heretofore belonging to the government granted to the people - - - -                              | 1    |        | 23    |
| FISHING GROUNDS,  |      |        |       |
| Granted to the people - - - -   | 2    |        | 23    |
| Not included in title to adjacent lands open to all persons - - - -                               | 1    |        | 25    |
| No fish can be tabooed by Konohiki on public  | 2    |        | 25    |





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| <b>GUARDIANS—continued.</b>   |       |      |       |
| To obtain license after notice - - -  | 39    |      | 71    |
| To give bond before sale - - -  | 40    |      | 71    |
| To take oath before sale - - -  | 41    |      | 71    |
| Give public notice of time and place of sale                                    | 42    |      | 71    |
| To file copy of notice and oath with judge of probate within one year - - -     | 43    |      | 71    |
| To sell within one year after license -   | 44    |      | 71    |
| Costs may be awarded against, if petition objected to, and objection prevails - | 49    |      | 72    |
| Limit to actions against - - -  | 50    |      | 72    |
| Actions against, not to prevail if certain things have been done - - -          | 51    |      | 73    |
| Liable under certain circumstances -  | 52    |      | 73    |
| Deed of, good against third parties -   | 52    |      | 73    |
| All acts of, heretofore good - - -  | 54    |      | 74    |
| <b>GUARDIANS—FOREIGN,</b>   |       |      |       |
| To sell real real estate upon terms of domestic guardians - - - - -             | 45,46 |      | 72    |
| To petition superior court for authority to sell                                | 40    |      | 72    |
| To dispose of proceeds as authority appointing him directs. - - - - -           | 49    |      | 72    |
| <b>H.</b>   |       |      |       |
| <b>HORSES,</b>  |       |      |       |
| Not to be let in Honolulu without license                                       | 1     |      | 30    |
| Kept for hire liable to be called into public service - - - - -                 | 8     |      | 31    |
| <b>I.</b>   |       |      |       |
| <b>INSPECTORS OF ELECTIONS,</b>   |       |      |       |
| To send certificates of election to governor and minister of the interior - - - | 1     |      | 21    |
| To give notice of special elections -   | 5     |      | 21    |
| <b>INSPECTORS OF JAILS,</b>   |       |      |       |
| To be appointed by minister of interior   | 20    |      | 36    |
| To visit prisons once a week - - -  | 21    |      | 36    |
| To cause accounts to be kept - - -  | 22    |      | 36    |
| To report to minister of interior - - -   | 23    |      | 36    |
| To examine persons on oath relative to abuses in jails - - - - -                | 24    |      | 37    |
| To make rules for prison discipline -   | 25    |      | 37    |
| Each has the right to visit jails - - -   | 26    |      | 37    |
| To call upon jailors for accounts once every three months - - - - -             | 27    |      | 37    |
| To morally and religiously instruct prisoners                                   | 28    |      | 37    |
| To contract for labor of prisoners -  | 29    |      | 37    |
| Not to receive the labor of, nor presents from prisoners - - - - -              | 30    |      | 37    |

INSPECTORS OF JAILS.—*Continued.*

|   |    |    |
|---|----|----|
| To employ a substitute for Jailor during his absence or inability - - - -   | 31 | 38 |
| Two shall constitute a quorum - - -   | 32 | 38 |
| Pay of - - - - -  | 34 | 38 |
| To fix pay of Jailor's assistants - - -                                     | 35 | 38 |
| To fix rations of food to prisoners - -                                     | 39 | 39 |
| INSPECTORS OF PENITENTIARY,   |    |    |
| To prescribe rules - - - - -  | 49 | 40 |
| One of to visit penitentiary once a week                                    | 50 | 41 |
| To report to minister of interior of all concerns of penitentiary - - - - - | 51 | 41 |
| To have right to inspect books and accounts of penitentiary - - - - -       | 52 | 41 |

## J.

## JAILS,

|   |   |    |
|---|---|----|
| To be erected on the several islands - -                                      | 2 | 33 |
| To be constructed so as to separate males and females - - - - -               | 3 | 34 |
| Yards, to be convenient for allowing persons to be employed in them - - - - - | 4 | 34 |

## JAILORS,

|   |    |    |
|---|----|----|
| To be appointed by minister of interior   | 5  | 34 |
| To reside in prison - - - - -   | 6  | 34 |
| Shall visit cells and prisoners every day   | 7  | 34 |
| To keep a journal - - - - -   | 8  | 34 |
| To enter age, sex, height, and description of prisoners in journal - - - - -                        | 9  | 34 |
| To keep account of receipts and expenses  | 10 | 34 |
| May appoint assistants - - - - -  | 11 | 34 |
| To put copy of rules of prison in cells   | 12 | 34 |
| Not to be absent from prison at night unless on duty - - - - -                                      | 13 | 35 |
| To keep jails clean - - - - -   | 14 | 35 |
| To keep prisoners clean - - - - -   | 15 | 35 |
| To furnish wholesome food three times a day to prisoners - - - - -                                  | 16 | 35 |
| To provide Bibles for prisoners - - -   | 17 | 35 |
| All assistants must be honest and faithful and read, write and speak English and Hawaiian - - - - - | 18 | 35 |
| Not to receive any rewards or gifts from prisoners or friends - - - - -                             | 19 | 35 |
| Pay of to be determined by minister of the interior - - - - -                                       | 33 | 38 |

## L.

## LEASING,

|                             |  |    |
|-----------------------------|--|----|
| The public market - - - - - |  | 19 |
|-----------------------------|--|----|

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| <b>LICENSE,</b>  |       |      |       |
| To be granted for public shows - - -   | 1     |      | 27    |
| To be granted to let horses in Honolulu  | 2     |      | 30    |
| To be numbered consecutively - - -   | 4     |      | 30    |
| Number of license to be marked on brow<br>band of each horse let - - - -         | 5     |      | 31    |
| To auctioneers - - - - -   | 1,2,3 |      | 101   |
| <b>LIGHT HOUSE,</b>  |       |      |       |
| At Honolulu - - - - -  | 1     |      | 96    |
| <b>LIMITS,</b>   |       |      |       |
| Of the operation of the law regulating fire de-<br>partment - - - - -            | 9     | 1    | 11    |
| <b>LIQUORS,</b>  |       |      |       |
| Intoxicating not to be retailed except at Hon-<br>olulu - - - - -                |       |      | 105   |
| <b>M.</b>  |       |      |       |
| <b>MAILS,</b>  |       |      |       |
| From foreign ports, to be paid for   | 4     |      | 61    |
| From vessels having contagious diseases on<br>board, subject to quarantine - - - | 7     |      | 62    |
| Inter-island to be received and delivered  | 8     |      | 62    |
| <b>MARRIAGES,</b>  |       |      |       |
| To be reported to the minister of public in-<br>struction - - - - -              | 1     |      | 59    |
| Of minors, discharges guardian - - -   | 21    |      | 67    |
| <b>MARSHAL,</b>  |       |      |       |
| Duties in fire department - - -  | 1     |      | 9     |
| Duties to board of health - - -  | 4     |      | 12    |
| To furnish certificate of burial of persons<br>murdered - - - - -                | 17    |      | 15    |
| <b>MASTERS OF VESSELS,</b>   |       |      |       |
| To report to board of health malignant dis-<br>eases - - - - -                   | 9     |      | 13    |
| <b>MARKET LAW for the city of Honolulu</b>                                       |       |      | 16    |
| Fixing the place of market - - -   | 1     | 1    | 16    |
| Fixing days of marketing - - -   | 1     | 2    | 16    |
| Fixing hours - - - - -   | 4     | 1    | 19    |
| Of the clerk and his duties - - -  | 2     |      | 16    |
| <b>MINORS—ABSENT,</b>  |       |      |       |
| Guardians may be appointed for - - -   | 26    |      | 58    |
| To have custody of property, &c. of  | 27    |      | 58    |
| <b>MINISTER OF PUBLIC INSTRUCTION,</b>   |       |      |       |
| To appoint agent to grant licenses to marry                                      | 3     |      | 39    |
| To furnish blanks to agents - - -  | 4     |      | 39    |
| Ex-officio, member of school committee of<br>Honolulu - - - - -                  | 8     |      | 86    |
| <b>MINISTER OF INTERIOR,</b>   |       |      |       |
| To taboo taking fish certain seasons   | 3     |      | 23    |

| MINISTER OF INTERIOR,— <i>Continued.</i>   | ART. | SEC. | PAGE. |
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| To give notice of taboo - - -  |      | 4    | 23    |
| To license public shows - - -  |      | 1    | 27    |
| To cause fort lands to be surveyed -   |      | 2    | 28    |
| To cause a portion of fort lands to be set<br>apart for Horticultural Society -            |      | 3    | 28    |
| To sell remainder at auction - -   |      | 4    | 28    |
| To license letting of horses in Honolulu   |      | 2    | 30    |
| To receive 25 cents for each license -   |      | 3    | 30    |
| To cause to be erected jails - - -   |      | 1    | 33    |
| To appoint jailors - - - -   |      | 5    | 34    |
| To appoint inspectors of prisons -   |      | 20   | 36    |
| To erect penitentiary - - - -  |      | 43   | 39    |
| To appoint agents to sell government lands   |      | 1    | 52    |
| To construct road between Kawaihae to Ha-<br>makua - - - - -                               |      | 1    | 51    |
| To direct supervisors of roads - - -   |      | 7    | 91    |
| To expend money appropriated for roads   |      | 11   | 92    |
| To construct light house at Honolulu   |      | 1    | 96    |
| To draw money to pay for the same  |      | 2    | 96    |
| To license auctioneers - - - -   |      | 1    | 101   |
| O.   |      |      |       |
| OPPRESSION,  |      |      |       |
| Punished - - - - -   |      | 2    | 93    |
| P.   |      |      |       |
| PENALTIES,   |      |      |       |
| Of fire department how appropriated -  | 8    | 1    | 11    |
| For violating taboo on fishing grounds   |      | 3    | 23    |
| For residents abroad taking fish -   |      | 5    | 23    |
| Upon konohikis or other persons for inter-<br>fering with people on public fishing grounds |      | 3    | 25    |
| For letting a horse to a man drunk   |      | 6    | 31    |
| For not cautioning against fast riding   |      | 7    | 31    |
| For violating law relating to letting horses in<br>Honolulu - - - - -                      |      | 9    | 31    |
| Upon officers of prisons for receiving labor or<br>presents from prisoners - - - -         |      | 30   | 37    |
| For furnishing wine or spirits to prisoners  |      | 40   | 39    |
| For furnishing tobacco to prisoners -  |      | 41   | 39    |
| Additional, for smuggling - - - -  |      | 1    | 51    |
| PENITENTIARY,  |      |      |       |
| To be erected by minister of interior  |      | 43   | 39    |
| Manner of construction prescribed -  |      | 44   | 40    |
| Officers of - - - - -  |      | 45   | 40    |
| Warden of, to appoint watchmen -   |      | 46   | 40    |
| Warden and deputy warden of, to reside in  |      | 47   | 40    |
| Salaries of officers of - - - -  |      | 48   | 40    |
| No officer of to be interested in contracts  |      | 59   | 42    |

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| <b>PHYSICIANS,</b>   |      |      |      |
| Duty to report to board of health  | -    | 7    | 13   |
| To attend upon contagious diseases—to be elected by Board of Health  | -    | 12   | 14   |
| To avoid communicating contagious diseases   | -    | 14   | 14   |
| Of penitentiary, to visit hospital   |      |      |      |
| once a day   | -    | 63   | 43   |
| To keep a journal  | -    | 64   | 43   |
| To decide whether patient goes to the hospital   | -    | 65   | 43   |
| To separate infected persons from others   | -    | 66   | 43   |
| <b>POLICE JUSTICES,</b>  |      |      |      |
| To have jurisdiction of smuggling  | -    | 1    | 52   |
| Appeal from  | -    | 2    | 52   |
| <b>POST-OFFICE,</b>  |      |      |      |
| To be established in Honolulu,   | -    | 1    | 61   |
| Postmaster to be appointed by Minister of Interior   | -    | 2    | 61   |
| To charge postage  | -    | 3    | 61   |
| To send boat for mail  | -    | 5    | 62   |
| To issue stamps  | -    | 10   | 62   |
| <b>POSTAGE,</b>  |      |      |      |
| To be charged  | -    | 3    | 61   |
| To be prepaid on outward letters   | -    | 9    | 62   |
| <b>PRISONS,</b>  |      |      |      |
| To be erected on several islands   | -    | 2    | 33   |
| <b>PRISONERS,</b>  |      |      |      |
| To be kept clean   | -    | 15   | 35   |
| To keep rules of prison  | -    | 16   | 35   |
| To be provided with bible  | -    | 17   | 35   |
| Confined as witnesses to have necessaries at public expense, or be allowed to provide for themselves at their option | -    | 36   | 38   |
| Condemned to prison, without labor, to be treated as above   | -    | 37   | 39   |
| All others to be allowed only water and the coarsest of food   | -    | 38   | 39   |
| No wine or liquor allowed prisoners  | -    | 40   | 39   |
| Not to use tobacco   | -    | 41   | 39   |
| Not to see visitors without permission of jailor   | -    | 42   | 39   |
| In penitentiary to be in charge of warden  | -    | 58   | 42   |
| To be allowed diet as directed by physician  | -    | 67   | 44   |
| On arrival at penitentiary to be inspected by physician, cleaned, and dressed in uniform                             | -    | 72   | 44   |

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| <b>PRISONERS—Continued.</b>   |           |      |       |
| Description of to be entered of record  | 73        |      | 44    |
| If well to be sent to solitary confinement for<br>forty-eight hours - - - -                                       | 74        |      | 44    |
| On third day to listen to a charge from chap-<br>lain and be assigned to his labors -                             | 75        |      | 44    |
| For good behavior of allowed extra rations  | 91        |      | 47    |
| Disobeying to be fed on bread and water   | 92        |      | 47    |
| <b>PUBLIC SHOWS,</b>  |           |      |       |
| To be licensed by minister of interior  | 1         |      | 27    |
| Persons setting up without license punished   | 2         |      | 27    |
|   |           |      |       |
|   | <b>R.</b> |      |       |
| <b>RESIDENTS,</b>   |           |      |       |
| Duties of in relation to fires - -  | 7         |      | 10    |
| Not to build fires in streets - - -   | 7         | 1    | 10    |
| To furnish buckets - - - -  | 7         | 2    | 10    |
| Women not to attend fires - - -   | 7         | 3    | 10    |
| Not to give false alarms - - - -  | 7         | 4    | 10    |
| Not to send off firerockets - - -   | 7         | 5    | 10    |
| Males, to carry buckets - - - -   | 7         | 6    | 10    |
| Not to injure fire apparatus - - -  | 7         | 7    | 11    |
| To report to Board of health cases of malig-<br>nant disease - - - -  |           | 8    | 13    |
| To allow access to their wells - -  | 7         | 8    | 11    |
| Not to hold communication with persons<br>having contagious diseases - -  |           | 13   | 14    |
| Not to sell marketable articles except at mar-<br>ket - - - - -   | 2         | 6    | 16    |
| Not to use weights and measures in market,<br>not approved by law - - - -   | 2         | 10   | 16    |
| To arrange articles for sale in market<br>previous to opening market - -  | 4         | 2    | 19    |
| Renting market, to cleans stalls - -  | 5         | 1    | 19    |
| Using land adjacent—to clean - - -  | 5         | 2    | 19    |
| Abroad, not to take fish - - - -  |           | 4    | 23    |
| “ FOREIGN—To pay school tax - - -   |           | 1    | 84    |
| To elect school committee - - -   |           | 2    | 84    |
| Certain persons to preside at meetings of   |           | 3    | 85    |
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| Certain papers not to be - - - -  |           | 2    | 75    |
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| Supervisors of, to be elected - - - - -   | 1    |      | 90    |
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| "    to sue for taxes - - - - -   | 6    |      | 91    |
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| To provide schools - - - - -  | 4    |      | 85    |
| Quorum of - - - - -   | 5    |      | 85    |
| To remit tax of poor persons - - - - -  | 6    |      | 85    |
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## V.

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| VISITORS OF PENITENTIARY,                                      | 100 | 48 |
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## W.

|  |     |    |
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| To give a bond - - - -   | 53  | 41 |
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| To arbitrate disputes about contracts -                                  | 57  | 42 |
| To have charge of convicts - - -   | 58  | 42 |
| Deputy, to discharge duties imposed by wardens - - - - -                 | 60  | 42 |
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| If office of, become vacant—deputy to give bond - - - - -                | 62  | 43 |
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| May furnish fish one day in the week                                     | 89  | 47 |
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